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STATE LEGISLATIVE

THE MADRAS LEGISLATIVE ASSEMBLY.

—

Friday, 18th March 1955.

The House met in the Assembly Chamber, Government Estate, Mount Road, at half-past eight of the clock, Mr. Speaker (THE HON. SRI J. SIVASHANMUGAM PILLAI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Seizure of copies of "Mathrubhumi Illustrated Weekly."

* 1431 Q.—SRI K. T. SREEDHARAN (on behalf of Sri M. Narayana Kurup) : Will the Hon. the Minister for Finance be pleased to state—

(a) whether it is a fact that the Police seized on 19th February the issues of the "Mathrubhumi Illustrated Weekly", Kozhikode, Malabar, dated 16th and 30th January and 6th February 1955; and

(b) if so, for what reasons?

THE HON. SRI C. SUBRAMANIAM :—“(a) & (b) The Police in Malabar have not seized any of the issues of 'Mathrubhumi Illustrated Weekly' of Kozhikode referred to.”

* 1432 Q.—THE HON. SRI C. SUBRAMANIAM :—“Sir, this question may be taken up a little later. (Taken up after question No. 1436.)

MR. SPEAKER :—“Yes, we shall take it up at the end.”

Salaries of village officers of Athanda Kollai.

* 1433 Q.—SRI M. KATTIMUTHU : Will the Hon. the Minister for Revenue be pleased to state—

(a) the reasons for withholding the payment of salaries of thotti, thalayari and munsif of Athanda Kollai village in Viruddhachalam taluk for four or five months;

(b) whether the Collector of South Arcot investigated into this matter; and

(c) if so, the orders passed by him?

THE HON. SRI M. A. MANICKAVELU :—“(a) It is presumed that the hon. Member is referring to Alandarkollai village in the Vriddhachalam taluk. The information available with the Government shows that there has been no case of withholding of salaries of the thotti, talayari or the munsif in that village since April 1954.

“(b) & (c) Does not arise.”

SRI M. KATTIMUTHU :—“கீழ்த்தர சிப்பந்திகளில் குறைந்த ஊதியம் பெறக்கூடிய தோட்டி, தலையாரி ஆகிய வேலைகள் செய்யக் கூடியவர்கள் பெரும் பாலும் ஹரிஜனங்கள்தான். அவர்களுடைய

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சம்பளத்தை கிராம முன்சீப்காரன் தங்கள் சொந்தச் செலவிற்கு உபயோகப் படுத்திக் கொள்வதும், ரெவினியூ கிஸ்தி குறைந்தால் அதற்காகப் பிடித்துக் கொள்வதும், அவர்களுடைய வீடுகளில் வேலை செய்ய மறுத்தால் அவர்களுடைய சம்பளத்தைப் பட்டுவாடா செய்யாமல் அவர்கள் பேரில் அநியாயமான குற்றங்களைச் சமத்துவதும் போன்ற அக்கிரமச் செயல்கள் நடந்துவருவது சர்க்காருக்குத் தெரியுமா? தெரிந்தால் மிகக் குறைந்த சம்பளம் வாங்குகின்ற தோட்டி, தலையாரி ஆகியவர்களின் சம்பளம் அவர்களுக்குச் சரிவர பட்டுவாடா செய்யப்படும்படியான நடவடிக்கையை சர்க்கார் எடுப்பார்களா?

THE HON. SRI M. A. MANICKAVELU :—“ இப்படி பொதுவாகச் சொன்னால் என்ன பண்ணுவது? ஒரு குறிப்பிட்ட இடத்தில் இப்படிப்பட்ட அக்கிரமங்கள் நடக்கின்றன என்பதாக சர்க்காரின் கவனத்திற்குக் கொண்டுவந்தால் அதை நீக்க சர்க்கார் நடவடிக்கை எடுத்துக்கொள்ள முடியும்.”

SRI V. R. KRISHNA AYYAR :—“ Sir, is it a fact that the Government have issued orders to withhold payment of salaries to village officers who have not been able to keep up to the schedule of survey of holdings all over the State although they are not paid for this very heavy and arduous kind of work?”

THE HON. SRI M. A. MANICKAVELU :—“ Sir, I do not see how this arises out of the main question. Anyhow, I would like to have notice.”

Police guards to the Tramway Company.

* 1434 Q.—**SRI N. K. PALANISAMY** : Will the Hon. the Minister for Finance be pleased to state the number of police constables posted at the gates of the Tramway Company to guard its assets during 1953-54?

THE HON. SRI C. SUBRAMANIAM :—“ A statement^a is placed on the table of the House.”

SRI N. K. PALANISAMY :—“ போலீஸ்பாரா அங்கு போட்டிருப்பதற்கு முக்கியமான காரணம் டிராம் கம்பெனியின் சொத்துக்கள் திருட்டுப் போகாமல் பாதுகாப்பதற்காகவே என்று நான் நினைக்கிறேன். ஆனால் 11—8—1954-ந் தேதியில் பஞ்சஸ் துறை திருட்டுத்தனமாக ஐந்து லட்சம் ரூபாய் பொருமான டிராம்வே கம்பெனியின் சொத்துக்களை எடுத்து பம்பாயிலுள்ள கம்பெனிக்கு விற்றிருக்கிறார்கள். போலீஸ் காவல் இருக்கும்போது எப்படி அந்த சொத்துக்கள் திருடப்பட்டன? சர்க்காரே வேண்டுமென்றே திருட்டுப்போக விட்டு விட்டார்களா? அல்லது போலீஸ் காரர்களது கவனக்குறைவால் அந்தச் சம்பவம் ஏற்பட்டுவிட்டதா என்று அறியவிரும்புகிறேன்?”

MR. SPEAKER :—“ I do not understand the connection between this question and the main question.”

SRI K. VINAYAKAM :—“ Sir, I also rose up along with Sri N. K. Palanisamy to put this question. It is a pertinent question, Sir.”

MR. SPEAKER :—“ That is a separate question.”

SRI K. VINAYAKAM :—“ Sir, will the Chair be pleased to hear me. The hon. Member put the question so as to draw the answer whether the police were there to guard its assets. Now

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he is complaining that the assets of the company have been stolen by some 'X' in spite of the police guard. I am at a loss to understand how this is not a pertinent question."

MR. SPEAKER :—" That is a specific question. The Hon. Minister should have notice."

SRI M. KALYANASUNDARAM :—" Sir, the fact is that police constables were posted to guard the assets of the Tramway Company during 1953-54. Even if the question put by the hon. Member is not permissible, may I know whether the Government were aware of the fact that even in spite of police guard materials were removed from the place and may I ask under whose authority the materials were so removed? "

THE HON. SRI C. SUBRAMANIAM :—" Sir, the point is this. The Government have not taken over the properties of the Tramway Company. They belonged to the Tramway Company and, therefore, the authorised agents of the company were entitled to deal with the properties as they liked. They sold certain properties and they were removed in a legal manner. That is the subject-matter of litigation in the High Court and I think an appeal is now pending in the Supreme Court. I do not see why we should characterise this as stealing or anything of that sort."

Reorganization of co-operative societies.

* 1435 Q.—SRI N. K. PALANISAMY: Will the Hon. the Minister for Health be pleased to state whether a committee has been constituted to go into the question of reorganization of Co-operative societies? "

THE HON. SRI A. B. SHETTY :—" The Government have constituted a Committee to review the progress made by the Co-operative Movement in this State, to inquire into its present needs, difficulties and problems and to make recommendations regarding its consolidation, development and reform."

SRI N. K. PALANISAMY :—" May I know, Sir, when the Committee will submit its report? "

THE HON. SRI A. B. SHETTY :—" Sir, three months' time has been given."

Hindi Pandits in high schools.

* 1436 Q.—SRI K. R. VISWANATHAN: Will the Hon. the Minister for Finance be pleased to state—

(a) the number of qualified Hindi Pandits in high schools who are paid the first grade language pandit's scale; and

(b) whether it is a fact that want of the required number of periods of work in the higher forms is a bar to the qualified Hindi Pandits to get the first grade pandit's scale?

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THE HON. SRI C. SUBRAMANIAM :—“(a) 182, Sir.

“(b) Hindi Pandits should have work in forms IV to VI of secondary schools for not less than 17 hours a week so as to become eligible for Grade I scale of pay. Otherwise they can draw pay only in the Grade II scale. Appointments are made on the basis of sanctioned posts available in each grade.”

SRI T. ANANTA PAI :—“Sir, the decision of the Government to allow these Pandits who do not have work for the required number of hours to draw pay only in the Grade II scale has been responsible for reverting a good number of persons who have put in many years of service and their salaries have been seriously affected. May I therefore request the Government to consider the case of those Pandits who have been drawing the I Grade scale of pay sympathetically and allow them to continue to draw that scale of pay itself?”

THE HON. SRI C. SUBRAMANIAM :—“Sir, I have received representations in this matter and the Government are examining the question.”

SRI K. KUNHI MOHAMED SHAFEE :—“May I know, Sir, whether it is not a fact that no such conditions are laid down in regard to Sanskrit and Malayalam Pandits and will the Government sympathetically consider the case of these Hindi Pandits and treat them on a par with Sanskrit and Malayalam Pandits?”

THE HON. SRI C. SUBRAMANIAM :—“Yes, Sir, that is the intention of the Government. But still in appointing Hindi Pandits and giving them Grade I scale of pay, a condition has been laid down that they should have work for a sufficient number of hours. That is the only condition laid down and I think it is a salutary condition, because there should not be nominal appointments and salaries drawn on those nominal appointments.”

8-40
a.m.

SRI K. R. VISWANATHAN :—“Are the Government aware that in many High Schools under the District Boards as well as the Government, there are no Hindi Pandits who are paid on the first-grade scales, just because they do not have the opportunity to work for 17 hours? The Hon. Minister just now said that there is a minimum sanctioned strength for each High School. Will the Government reconsider the case of Hindi Pandits and sanction a minimum strength of one or two First Grade Pandits for each high school?”

THE HON. SRI C. SUBRAMANIAM :—“Sir, the question is this. When a person is appointed, he should have sufficient number of hours of work, so that he may become entitled to pay in the First Grade scale. Recently, we have passed orders giving option to take Hindi as Part II. I am hoping that this will give some more work to Pandits and it would

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be possible to pay such Pandits on Grade I scales. We shall watch how it works and even if that should create any difficulties, we shall then examine the position a little later."

SRI Y. MAJAYA SHETTY :—" Sir, in view of the policy of the Government to encourage Hindi as a National Language, may I request the Government to consider the cases of these Pandits sympathetically and grant them First Grade scales? "

THE HON. SRI C. SUBRAMANIAM :—" It is because we want to encourage Hindi, that we want to utilise these Pandits properly; they should not be appointed and left without work in the high schools."

SRI K. P. KUTTIKRISHNAN NAIR :—" Will the Government consider the question of making Hindi compulsory for study in the schools so that this problem can be solved? "

THE HON. SRI C. SUBRAMANIAM :—" I do not think making the study compulsory will solve that problem."

(The Hon. Minister Sri B. Parameswaran had by then come to the House.)

MR. SPEAKER :—" Shall we now take up the first question? "

THE HON. SRI B. PARAMESWARAN :—" Yes, Sir, it may be taken. I am sorry for the delay."

Scholarships to Harijans and Backward classes.

* 1432 Q.—SRI A. RATNAM : Will the Hon. the Minister for Religious Endowments and Transport be pleased to state—

(a) the total number of scholarship forms printed at the Government Press, Madras, on the requisition of the Director of Harijan Welfare in the year 1953 for the use of Harijans and Backward classes;

(b) the number of forms actually issued by the Director of Harijan Welfare and the District Welfare Officers; and

(c) the number of scholarships granted?

THE HON. SRI B. PARAMESWARAN :—" A statement^a is laid on the table of the House."

SRI A. RATNAM :—" மேஜையின்மேல் வைக்கப்பட்டிருக்கும் விவரங்களின்படி 83 ஷெட்யூல் வகுப்பினர்களுக்கும் 69 பிற்பட்ட வகுப்பினர்களுக்கும் நான்-ரெலிஜியஸ் ஸ்காலர்ஷிப்புகள் கொடுக்கப்பட்டிருக்கின்றன என்றும் 85 ஷெட்யூல் வகுப்பினர்களுக்கும் 8 பிற்பட்ட வகுப்பினர்களுக்கும் ரெலிஜியஸ் ஸ்காலர்ஷிப்புகள் கொடுக்கப்பட்டிருக்கின்றன என்றும் தெரிசிந்து. அவைகளெல்லாம் பிரஸ்தாப ஆண்டில் புதியதாக கொடுக்கப்பட்டனவா அல்லது 'ரெனியூவல்' செய்து கொள்ளப்பட்டனவா? "

THE HON. SRI B. PARAMESWARAN :—" புதிதாகக் கொடுக்கப்பட்ட ஸ்காலர்ஷிப்புகளாகத்தான் இருக்கவேண்டும். எண்ணிக்கை மிகக் குறைவாக இருப்பதினால்."

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SRI A. RATNAM :—“எனக்குத் தெரிந்தவரையில் அவைகள் ரெனியூவல் ஸ்காலர்ஷிப்புகளாகத்தான் இருக்கவேண்டும். வரும் ஆண்டு களிலாவது தேவையான பணத்தை ஒதுக்கி அதிகமான பேர்களுக்கு ரெவிடென்ஷியல் ஸ்காலர்ஷிப்புகளும், நான்-ரெவிடென்ஷியல் ஸ்காலர்ஷிப்புகளும் கொடுப்பதற்கு அமைச்சரவர்கள் முன்வருவார்களா?”

THE HON. SRI B. PARAMESWARAN :—“அங்கத்தினர் நினைப்பதை வைத்துக்கொண்டு நான் பதில் சொல்லமுடியாது. உண்மை என்னவென்பதைத் தெரிந்துகொண்டுதான் பதில் சொல்ல முடியும். நான்-ரெவிடென்ஷியல் ஸ்காலர்ஷிப்புகளை ரெவிடென்ஷியல் ஸ்காலர்ஷிப்புகளாக மாற்றுவதற்கு சில விதிகள் இருக்கின்றன.”

SRI K. VINAYAKAM :—“Sir, students belonging to the Backward classes have been refused scholarships in the first year of their course of study for some reason or other, like want of finance or late submission of the application by the Principal (not by the students); all this leads to the refusal of scholarships in the first year. In the second year of the course, when the boy attempts to get scholarship, he is refused on the ground that he has been refused the first year, which was due to Government's slender finances and late submission of applications by the Principals of the Colleges. Will the Hon. Minister scrutinise such applications and render justice to such applicants?”

THE HON. SRI B. PARAMESWARAN :—“Sir, I do not think that there is a large number of cases as suggested by the hon. Member. There may be one or two instances where owing to certain reasons there would have been some delay in the forwarding of the applications by the Heads of Institutions. But for every student that applies, Government cannot guarantee that scholarship would be granted, because the amount is limited. We will see that instructions are issued to the Heads of Institutions to forward the applications in time. And if there are cases where there has been some delay, I will certainly go into the matter, if they are brought to the notice of the Government.”

SRI V. S. SIVAPRAKASAM :—“Sir, from the statement laid on the table of the House, I find that nearly 14 thousand and odd non-residential scholarships have been granted to Harijan students studying in elementary and secondary schools. There is no school fees for these Harijan students. Therefore, I wish to know whether the non-residential scholarships are intended for purchase of books, clothes, etc., or for any other purpose.”

THE HON. SRI B. PARAMESWARAN :—“Sir, it includes all the necessary things, including books, etc.”

SRI S. DAIVASIGAMONEY :—“It appears that a student studying in either the second year of the Intermediate course or the final year of the B.A. class, is not given the Harijan scholarships. May I know whether there is any valid objection for not giving scholarships of this kind to those persons? If not, why not the applications of these persons considered?”

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THE HON. SRI B. PARAMESWARAN :—“ Sir, ordinarily the first year boy gets the scholarship both in the Intermediate and in the first year of B.A., i.e., third class of the College course. If for any reason they are denied, deserving cases are considered and scholarship granted. But, such cases are very rare.”

SRI K. R. VISWANATHAN :—“ Sir, there are cases where students apply for residential scholarships, but are granted only non-residential scholarships; then if they apply for conversion of the non-residential into residential scholarship, they are refused. For instance, this year many deserving and very poor students applied for residential scholarships, but were granted non-residential scholarships. But cases where applications were kept pending were granted residential scholarships afterwards. So the boys who were granted first on residential applications were granted non-residential scholarships and those who were given later were granted residential scholarships. Will the Government consider these cases and see that applications for residential scholarships are granted residential scholarships and those for non-residential scholarships are granted non-residential scholarships? ”

THE HON. SRI B. PARAMESWARAN :—“ If it is a case of renewal, there would have been no difficulty. But in new cases, the number of scholarships are limited and we have also got to take into consideration the progress of the student.”

SRI S. R. ARUMUGAM :—“ ஜாதி வித்தியாச மனப்பான்மையானது ஆண்களைவிட பெண்களிடம்தான் அதிகமாக இருக்கிறது. ஹரிஜனங்களல்லாதார் வீட்டுப் பெண்களுக்குப் பிரசவ காலங்களில் மருத்துவம் செய்வதற்கு ஹரிஜனப் பெண்களையே அனுப்பினால் சமூகத்திலுள்ள ஜாதி வித்தியாச மனப்பாமை ஒழிவதற்கு செளகரியமாக இருக்கும். மேனஜியன்மேல் வைக்கப்பட்டிருக்கும் ரிபோர்ட்டிலிருந்து 73 ஹரிஜனப் பெண்களுக்குத்தான் மருத்துவப் பயிற்சி பெறுவதற்கு ஸ்காலர்ஷிப்புகள் கொடுக்கப்பட்டிருப்பதாகத் தெரிகிறது. எத்தனை ஹரிஜனப் பெண்கள் ‘Midwifery training course’-க்கு சேர்த்துக்கொள்ளப்படவேண்டுமென்று விண்ணப்பித்துக்கொண்டார்கள், ஏன் 73 பேர்களுக்குத்தான் ஸ்காலர்ஷிப்புகள் வழங்கப்பட்டிருக்கின்றனவென்பதை அறிய விரும்புகிறேன்.”

THE HON. SRI B. PARAMESWARAN :—“ எத்தனை ஹரிஜனப் பெண்கள் மருத்துவப் பயிற்சியில் சேர்த்துக்கொள்ளப்படவேண்டுமென்று விண்ணப்பித்துக்கொண்டார்கள் என்று தெரியவேண்டுமானால் தனிக் கேள்வி போட்டால் அதைத் தெரிவிக்க முயற்சிக்கின்றேன்.”

SRI K. VINAYAKAM :—“ Sir, now we are at the fag end of the academic year. Still, there is an amount of Rs. 25 thousands available for grant of scholarships with the Director of Harijan Welfare for the Backward classes and Harijan community students. I find a lot of students are hanging about the office of the Director to find out what happened to their applications—whether they are going to be granted or whether they are going to be refused. Now, it is the time of examinations and they have to attend to the examinations. Thus, they are very much handicapped and they are not in a position to concentrate on their examinations. Why should

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there be a balance and why should it be carried over from this year to the next year? Why not the entire allotment be disbursed completely this year and leave not even a pie as balance?" (The Hon. Finance Minister : 'Let him put it as a question.')

MR. SPEAKER :—"Please put it in the form of a question."

SRI K. VINAYAKAM :—"Yes, Sir, I am coming to that. I am putting all this in parenthesis. (Laughter.) Whereas there is an amount of Rs. 25 thousand still available, whereas so many students are waiting in the office of the Director to find out what happened to their applications, whereas this being examination time (laughter) the students are much handicapped, will the Hon. Minister institute an enquiry into this matter and see that something is done finally to their applications?"

THE HON. SRI B. PARAMESWARAN :—"Sir, an additional allotment of Rs. 50,000 was sanctioned recently to grant scholarships to such of those students who were not granted when the original grant was made. Further, in addition to this Rs. 50,000, Government were able to utilize about Rs. 9,000 which the Government were able to get back as surrender from those students who got not only Government of Madras scholarships, but also Government of India scholarships. Thus, nearly Rs. 60,000 has been distributed to various students and there is not a single pie now remaining with the Director of Harijan Welfare for distribution as scholarships."

8.50
a.m.

SRI S. SWAYAMPRAKASAM :—"Sir, residential scholarships are generally given to students who are admitted to hostels. But now we find that certain residential scholarships are given only towards the end of the year and some times many students are unable to get them. The result is that hardships are caused to poor parents who have admitted them in the hope that they would be given scholarships. Therefore, will the Government take this aspect of the matter into consideration and see that full scholarship is given within three months from the opening of schools or colleges?"

THE HON. SRI B. PARAMESWARAN :—"I have already stated that arrangements would be made to see that scholarships are granted before the first quarter. But with regard to the other part of the question, viz., that the students have joined in anticipation of the grant of residential scholarship, I may assure the hon. Member that we did not give any assurance as such. We have given to such of those students who were expecting scholarships non-residential scholarships."

SRI S. THINAKARASAMI THEVAR :—"Sir, is it a fact that very many Kallar students have not been granted scholarships?"

THE HON. SRI B. PARAMESWARAN :—"Special consideration is shown to Kallar students."

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Removal of untouchability.

* 1437 Q.—SRI A. RATNAM : Will the Hon. the Minister for Religious Endowments and Transport be pleased to state—

(a) the results achieved by spending about Rs. 2 lakhs for the removal of untouchability in the year 1953–54; and

(b) the aid given and the programme of work suggested by the Government of India to this State in respect of the removal of untouchability during the year 1954–55?

THE HON. SRI B. PARAMESWARAN :—“(a) Six hundred and six multi-purpose cement platforms to serve as community centres for Harijan families in villages were constructed at a total cost of Rs. 1,98,432;

“(b) a grant-in-aid of Rs. 38,000 has been sanctioned by the Government of India for 1954–55. No definite programme was suggested by the Government of India. However, they indicated that the programme might include the following items :—

- (1) Holding of social melas aimed at educating public and awakening scheduled castes;
- (2) issuing appropriate posters for display at public places like Post offices, schools, libraries, Railway stations, etc.;
- (3) printing of small pamphlets and booklets publicising relevant provisions of the Constitution on the subject; describing present conditions of the Scheduled castes, and the efforts being made by Government to eradicate the evil of untouchability in all forms; and
- (4) showing of cinema slides;
- (5) other modes of publicity;
- (6) provision of wells, facilities for education and assistance towards construction of houses and starting of cottage industries and aid to voluntary agencies and other miscellaneous assistance to Harijans.”

SRI S. DAIVASIGAMONEY :—“Sir, even among Caste Hindus there is untouchability. For instance, it is practised among Brahmins and non-Brahmins and also among Madathipathis and their devotees. Would any amount from this 2 lakhs be spent for the purpose of removing such untouchability?”

THE HON. SRI B. PARAMESWARAN :—“I do not think that there is anything like untouchability amongst Caste Hindus. They may be caste differences.”

SRI V. R. NAGARAJAN :—“In the long list of items in the programme enunciated by the Hon. Minister, I find only ineffective remedies suggested. Now the question is, how far results have been achieved in the matter of the removal of untouchability. Under the Constitution, untouchability is abolished and it should not be practised in any form whatsoever. May I know how many prosecutions were launched by the Government against the offenders who had prevented Harijans from entering tanks, hotels,

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cinemas and temples under the Constitution or under the Removal of Civil Disabilities Act. The launching of prosecutions against the offenders would be a more effective step for the removal of untouchability? "

THE HON. SRI B. PARAMESWARAN :—" The question relates to the grant given by the Government of India and the result achieved by spending that amount. I have already stated that Rs. 38,000 had been spent on the construction of cement platforms. We expected Rs. 1 lakh from the Government of India but we got only Rs. 38,000 and we spent the entire amount on the construction of platforms. That is the result."

SRI M. JAGANNATHAN :—" Instead of taking steps to remove the untouchability of the Harijans, will the Government consider the desirability of taking suitable steps to remove the ' touch-me-not-ism ' of the Caste Hindus? "

THE HON. SRI B. PARAMESWARAN :—" I think it is better to fight the removal of untouchability amongst untouchables than the untouchability that exists between Caste Hindus and the so-called Scheduled Castes or Depressed Classes, whatever you may call them."

SRI T. ANANTA PAI :—" Untouchability is essentially a social attitude and I am afraid the construction of platforms or the provision of other amenities for Harijans is not going to improve their condition. While all these amenities may be necessary for the Harijans, a proper atmosphere should be created by the Government for the purpose of making the Caste Hindus and the Harijans to move freely among themselves. Unless such an attitude is adopted, we cannot remove untouchability by the mere provision of amenities? "

THE HON. SRI B. PARAMESWARAN :—" Out of the Rs. 38,000 granted by the Government of India, it is humanly impossible to carry out the suggestions made by the Government of India. We are expecting Rs. 6 lakhs by way of grant from them for the execution of the programme suggested by them. As soon as we get it, we shall try to see that Harijans and Caste Hindus mix freely among themselves and every attempt will be made towards that end."

SRI S. C. C. ANTHONY PILLAI :—" The Government of India have suggested a very comprehensive programme with a small grant. Have the Government given consideration to the priority which should be given to the various steps suggested by the Government of India? "

THE HON. SRI B. PARAMESWARAN :—" Sir, even if we had distributed the amount of Rs. 38,000 for various items suggested by the Government of India, we would not have been able to spend more than two or three thousand rupees on each item. So we had to spend the entire amount on the construction of platforms. Since the Government of India had sanctioned the amount so late at the fag end of the year,

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we thought it would be better to utilise it. Instead of keeping it, we spent it on the construction of cement platforms, expecting that a further amount promised by them would be coming to us. Therefore, we could not distribute the amount on various items as suggested by them."

Chimeni-Kannamkai road.

* 1438 Q.—SRI M. NARAYANAN NAMBIAR : Will the Hon. the Minister for Local Administration be pleased to state—

(a) the present stage of the construction of the Chimeni-Kannamkai road in South Kanara district; and

(b) when the work is likely to be completed?

THE HON. SRI S. S. RAMASAMY PADAYACHI :—“(a) Out of a total length of seven miles and two furlongs of the road a length of $2\frac{1}{2}$ miles has been formed, $1\frac{1}{4}$ mile is under formation and the remaining portion is yet to be taken up.

“(b) During 1955–56.”

SRI M. NARAYANAN NAMBIAR :—“Sir, there is slow progress of the work for want of proper directions and departmental instructions. Will the Government make the necessary enquiry in the matter and see why proper directions and departmental instructions were not made?”

THE HON. SRI S. S. RAMASAMY PADAYACHI :—“The slow progress is not due to lack of proper supervision or direction but is due to insufficient allotment of grant.”

Statues of Britishers in Madras City.

* 1439 Q.—SRI N. K. PALANISAMY : Will the Hon the 9 a.m. Minister for Finance be pleased to state—

(a) whether there is any proposal to remove the statues and other relics of the British Rule from public places in Madras City; and

(b) if so, what they are?

THE HON. SRI C. SUBRAMANIAM :—“(a) There is no such proposal at present.

“(b) Does not arise.”

SRI N. K. PALANISAMY :—“1937-ம் வருஷத்தில் காங்கிரஸ் மந்திரி சபை இந்த ராஜ்யத்தில் ஏற்பட்ட காலத்தில் அடிமைத்தனத்தின் அறிகுறியாக நிலன் சிலை இருக்கக்கூடாதென்று அதை அகற்றி மீயூனியத்திற்கு அனுப்பிவைத்தார்கள். நாடு சுதந்திரம் அடைந்த பிறகும் இன்னும் அநேக வெள்ளைக்கார கவர்னர்களின் சிலை எங்கு பார்த்தாலும் இருக்கின்றன. அதோடு 1954-ம் வருஷம் ஆகஸ்டு 15-ந் தேதியன்று சுதந்திர தினத்தன்று அவைகளுக்கு எல்லாம் மாலைகள் சூட்டப்பட்டன. இப்படி நம்முடைய அடிமைத்தனத்தின் அறிகுறியாக இருக்கின்ற இவற்றை எல்லாம் உடனடியாக அவ்விடங்களிலிருந்து அப்புறப்படுத்தி. மீயூனியத்திலாவது கொண்டுபோட சர்க்கார் ஏற்பாடு செய்வார்களா?”

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THE HON. SRI C. SUBRAMANIAM:—"1937-ம் வருஷத்தில் நம் நாடு அடிமை நாடாகவே இருந்தது. ஆகவே அன்றைக்கு நீலன் சிலையை உகற்றினார்கள். அதற்கு வேறுவிதமான அர்த்தமே உண்டு. ஆனால் இப்பொழுது அப்படியில்லை. நாடு சுதந்திரமடைந்து விட்டது. இன்றைக்கு அந்தச் சிலைகளை சரித்திர பூர்வமான மனப்பான்மையுடன் பார்க்கவேண்டும். மேலும் நாம் முன்பு அடிமைப்பட்டிருந்தோம் என்பதை நமக்கு எப்போதும் நினைவுறுத்தும் வண்ணம் அவைகள் அவ்விடத்திலேயே இருந்தால் நாம் மறுபடியும் வேறு நாட்டுக்கு அடுமைப்படும் வகையில் நடந்து கொள்ளாமலிருப்பதற்கும் உதவும் என்று நான் நினைக்கிறேன்."

SRI V. BALAKRISHNAN:—"What is the difficulty in removing the portraits of the Britishers on the walls of Rajaji Hall and replacing them by the portraits of the present Ministers?"

THE HON. SRI C. SUBRAMANIAM:—"I am sure that when the hon. Member occupies the position of Ministership, he will order that. But as far as we are concerned, we think that they are works of art and as works of art they are worth preserving."

SRI A. GOVINDASWAMY NAYAGAR:—"ஒரு காலத்தில் நாம் அடுமைப்பட்டிருந்தோம் என்பதற்கு அறிகுறியாக அந்த வெள்ளைக் காரர்களின் சிலைகள் அங்கேயே இருக்கவேண்டுமென்று கனம் மந்திரி அவர்கள் சொன்னார்கள். நம்மை அடுமை படுத்தியவர்களின் சிலைகளை வைத்துக்கொண்டிருப்பதற்குப் பதிலாக அவைகளை எடுத்துவிட்டு அங்கே நம்முடைய அடிமைத்தனங்களை உடைத்தெறிய உழைத்தவர்களான திரு. வி. க., திரு. வ. உ. சி. ஆகியோரின் சிலைகளை வைக்க அரசாங்கம் ஏற்பாடு செய்யுமா?"

THE HON. SRI C. SUBRAMANIAM:—"திரு. வ. உ. சி., திரு. வி. க. ஆகியோரின் சிலைகளை வைப்பதற்கு இந்தச் சிலைகளை எடுக்க வேண்டுமென்பதில்லை. இந்த நாட்டில் நிறைய இடங்கள் இருக்கின்றன. எங்கு வேண்டுமானாலும் அவர்களுடைய சிலைகளை வைக்கலாம். அதோடு கனம் அங்கத்தினர் திரு. வி. க., திரு. வ. உ. சி. போன்றவர்களுடைய சிலையை வைப்பதற்கு வேண்டிய முயற்சியை எடுத்துக்கொண்டார் என்றால் அதை நான் பாராட்டுவேன்."

SRI S. DAIVASIGAMONEY:—"A number of statues have been removed and some of them are kept in the Museum. May I know whether they will again be erected in proper places?"

THE HON. SRI C. SUBRAMANIAM:—"For some of these statues Museum is the proper place and therefore those statues have been shifted to the Museum. Others are quite innocent ones and I think they can be left as they are."

SRI K. VINAYAKAM:—"Apart from the stigma attached to the British rule, why not the statue of Mr. Munroe which is on the road leading to the Fort and which is a nuisance as far as traffic regulation is concerned be removed on traffic consideration and not upon any other consideration so as to facilitate the motorist to know the road properly while they are driving?"

THE HON. SRI C. SUBRAMANIAM:—"We are told that it regulates the traffic in a proper manner. Therefore, from the traffic point of view, it is a good thing that the statue remains there."

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Staff under the Special Deputy Registrar of Co-operative Societies, Malabar.

* 1440 Q.—SRI K. KUNHI MOHAMED SHAFEE: Will the Hon. the Minister for Health be pleased to state—

(a) whether it is a fact that the pay of the staff working under the Special Deputy Registrar of Co-operative Societies, Malabar, for the month of December 1954, was not drawn up to 15th January 1955;

(b) whether any delay in drawing the salary of the same staff occurred in the month of June 1954, also; and

(c) if so the reasons for such delays?

THE HON. SRI A. B. SHETTY :—“(a) Yes, Sir.

“(b) Yes, Sir.

“(c) The delays were due to administrative reasons.”

SRI K. KUNHI MOHAMED SHAFEE :—“There are two Special Deputy Registrars and two regular Deputy Registrars in Kozhikode. If my information is correct, there was delay in signing the pay bill by the Deputy Registrar who was responsible for the drawing of this salary. Because he was on leave or was on transit in connexion with a transfer, the delay took place. If some arrangement had been made to make one of the other Registrars hold additional charge, this difficulty could have been avoided. Will the Government therefore issue instructions to see that some of the other Deputy Registrars are made to hold additional charge and that such delays are avoided in future?”

THE HON. SRI A. B. SHETTY :—“We shall try to avoid such delays in future. The delay occurred because of certain officials not joining duty in time and certain others taking leave after being posted to particular place.”

Working of the Madras Sales Tax Act.

* 1441 Q.—SRI N. K. PALANISAMY: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether any report was submitted in November 1954 by the Board of Revenue to the Government on the administration of the Madras General Sales Tax Act in 1953-54; and

(b) whether the collection of sales tax has increased or decreased during this year and the reasons for the same?”

THE HON. SRI M. A. MANICKAVELU :—“(a) The Administration Report for 1953-54 was submitted by the Board in August 1954.

“(b) The sales tax revenue decreased in the year 1953-54—

Demand during 1952-53 was Rs. 12,00,84,404.

Collection during 1952-53 was Rs. 10,01,96,386.

Percentage of collection—83 per cent.

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Demand during 1953-54 was Rs. 11,43,88,052.

Collection during 1953-54 was Rs. 9,11,95,620.

Percentage of collection—80 per cent.

The reasons for the decrease are mainly—

- (1) General slump in trade;
- (2) creation of the Andhra State from 1st October 1953 and the consequent exemption of sales to buyers in that State from the tax; and
- (3) accumulation of arrears due to various causes."

SRI N. K. PALANISAMY:—"விற்பனை வரி குறைந்ததற்கு முக்கியமான காரணம் 'டிஸ்ட்ரீட் ஸ்லம்ப்' என்று கனம் மந்திரி அவர்கள் சொன்னார்கள். உண்மையிலேயே இன்று பல சிறிய கடைக்காரர்களும், பெரிய கடைக்காரர்களுக்கூட தங்கள் கடைகளை மூடிவிட்டார்கள். காரணம் சரியாக வியாபாரம் நடக்காததுதான். ஆகவே வியாபாரிகளுடைய கஷ்டத்தை நீக்க முன்பே கனம் மந்திரி அவர்கள் 'டாக்ஸேஷன் என்க்வயரி கமிட்டியின்' யாதாஸ்து கிடைத்தவுடன் ஒரு முனை வரி போடுவது பற்றி யோசிப்பதாக உறுதிமொழி அளித்திருக்கிறார்கள். அந்தக் கமிட்டியின் ரிப்போர்ட்டும் வந்துவிட்டது. அதோடு அவர்களும் ஒரு முனை வரி போடும்படி சிபார்சும் செய்திருக்கிறார்கள். ஆகவே ஏற்கனவே இருக்கக்கூடிய வரும்படி குறையாமல் எப்படி ஒரு முனை விற்பனை வரி போடலாம் என்பதற்கு கனம் மந்திரி அவர்கள் ஒரு மகாநாடு கூட்டியோ அல்லது ஒரு கமிட்டியைப் போட்டோ பரிசீலனை செய்ய ஏற்பாடு செய்வார்களா என்று அறிய விரும்புகிறேன்."

THE HON. SRI M. A. MANICKAVELU:—"The report is being examined. In the first instance, a conference of the officials will take place and later on, we shall consider what steps should be taken."

SRI V. R. NAGARAJAN:—"While it may be true that collection of sales tax is getting low on account of the slump in trade, are the Government aware that there is a lot of evasion of tax in respect of commodities in wholesale trade, especially food-grains, by their movement by rail, road and ship? May I know whether our Government have posted any Special Officers to find out how far the merchants are effectively evading taxes and how far they are now benefiting by it? "

THE HON. SRI M. A. MANICKAVELU:—"There seems to be some evasion. Steps are being taken to tackle that problem also."

SRI S. RAMALINGAM:—"விற்பனை வரி கொடுக்காமல் சில வியாபாரிகள் தப்பிக்கொண்டு வருகிறார்கள் என்றும், அவர்கள் பேரில் நடவடிக்கை எடுக்கப்படுவதாகவும் கனம் மந்திரி அவர்கள் சொன்னார்கள். விற்பனை வரி கொடுக்காமல் தப்பிக் கொள்கிறவர்களின் பேரில் அல்லது விற்பனை கணக்குகளை ஒளிக்கிறவர்கள் பேரில் என்ன நடவடிக்கை எடுக்கப்பட்டிருக்கிறது என்பதை கனம் மந்திரி அவர்கள் சொல்வார்களா? "

THE HON. SRI M. A. MANICKAVELU:—"It is under formulation."

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Madras City Police Constables' Association.

* 1442 Q.—SRI C. KANDASAMY: Will the Hon. the Minister for Finance be pleased to state—

(a) whether permission has been given for the Madras City Police Constables' Association to function;

(b) if not, why?

THE HON. SRI C. SUBRAMANIAM:—“(a) No, Sir.

“(b) It will not be in the public interest to accord permission for the Madras City Police Constables' Association to function.”

SRI C. KANDASAMY:—“அந்தமாதிரியாக சங்கம் வைத்துக்கொள்ள வேண்டுமென்று அவர்கள் சர்க்காரிடம் மனுக் கொடுத்துக் கேட்டுக் கொண்டிருக்கிறார்களா?”

THE HON. SRI C. SUBRAMANIAM:—“அப்படிப்பட்ட கோரிக்கை ஒன்றும் சர்க்கார் முன்னிலையில் இல்லை.”

Congress Session at Avadi.

* 1443 Q.—SRI P. JEEVANANDAM: Will the Hon. the Minister for Public Works be pleased to state—

(a) the number of Government officers and workmen engaged for work in connexion with the supply of electricity to the Avadi Session of the Indian National Congress;

(b) whether any of these workmen or officers were engaged for more than the normal hours of work and if so, whether any overtime allowance was paid to them;

(c) whether the Indian National Congress executed any agreement in regard to the payment of the expenses incurred by the Government in this connexion; and

(d) if so, whether the Government will be pleased to place a copy of the agreement on the table of the House?

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI:—“(a) Nine Officers and 21 workmen, Sir.

“(b) Only some of them worked for more than the normal hours on a few days. Overtime allowance will be paid to daily paid workmen only. Others are not entitled to such allowance.

“(c) No, Sir. Agreements are not entered into in the case of temporary supply of electricity.

“(d) Does not arise.”

* 1444 Q.—SRI S. SWAYAMPRAKASAM (on behalf of Sri P. Rangaswami Reddiar): Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether the Government have paid to the District Board, Chingleput, a sum of Rs. 14,500 out of a sum of Rs. 32,000

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spent by the Board in connection with the Congress Session at Avadi and have promised to pay the balance by way of reimbursement; and

(b) if so, what are the reasons for so reimbursing?

THE HON. SRI S. S. RAMASAMY PADAYACHI :—

“(a) & (b) A half grant of Rs. 14,250 was sanctioned to the District Board for carrying out sanitary arrangements in and around Avadi in connection with the Session of the Indian National Congress during January 1955. The grant was sanctioned in view of the poor financial position of the District Board. No promise has been made to reimburse the balance, if any, in the expenditure.”

Quarters for Police constables.

9-10 a.m. * 1445 Q.—SRI C. KANDASAMY : Will the Hon. the Minister for Finance be pleased to state—

(a) the number of Police constables who are provided with quarters;

(b) the number of Police constables who are not provided with quarters now;

(c) whether there is any proposal to build additional quarters in the current financial year; and

(d) if so, their number and when they will be completed?

THE HON. SRI C. SUBRAMANIAM :—“(a) 12,588.

“(b) 11,408.

“(c) Yes, Sir.

“(d) 389. These quarters are expected to be completed by 1956-57.”

Drainage scheme for Kozhikode.

* 1446 Q.—SRI K. MOIDU : Will the Hon. the Minister for Health be pleased to state whether the drainage scheme for the Municipal Council at Kozhikode, Malabar, will be included in the Second Five-Year Plan? ”

THE HON. SRI A. B. SHETTY :—“The scheme is included in the First Five-Year Plan.”

DR. K. B. MENON :—“Sir, Kozhikode Municipality, though it is the headquarters municipality, is one of the worst municipalities in the district and diseases like filaria are endemic complaints. Since there is no proper water-supply or drainage system, will the Government expedite the scheme?”

THE HON. SRI A. B. SHETTY :—“Sir, water-supply has been provided. As regards the drainage scheme, the field work relating to supplemental investigation has been completed and we expect the report in April. When that is received, plans and estimates will be sanctioned.”

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Harassment of Harijans in Thanigaipolur.

* 1447 Q.—SRI A. RATNAM : Will the Hon. the Minister for Religious Endowments and Transport be pleased to state whether the Government received any representation, dated 30th December 1954 from the Harijans of Thanigaipolur of Arkonam taluk, North Arcot district, through a Member of this House, complaining of the harassment of Harijans and the objections of caste Hindus to their taking a Harijan dead body to the burial ground through a public road? "

THE HON. SRI B. PARAMESWARAN :—" Yes, Sir."

Torture of one Appukutty by the police.

* 1448 Q.—SRI K. P. GOPALAN : Will the Hon. the Minister for Finance be pleased to state—

(a) whether the Chief Secretary to the Madras Government has received any memorandum, dated 14th December 1954 from Keraleeya Viswakarma Vamsodharana Sangham, Kozhikode, alleging torture by the Police of Sri C. Appukkutty alias Ayyappan and his son in Kunnamangalam Police lock-up on 27th November 1954;

(b) if so, the action taken thereon?

THE HON. SRI C. SUBRAMANIAM :—" (a) Yes, Sir.

" (b) The Executive First-class Magistrate, Kozhikode, inquired into the allegations and has come to the conclusion that the allegations are baseless."

SRI K. P. GOPALAN :—" Sir, may I know whether in the application given to the Chief Secretary, the applicant alleged that after his arrest one constable by name Gopalan Nair and one Palakode Moidu came to the applicant's house and said that if money was given, the persons would be released, whether any enquiry was made into these allegations and if so the result of the enquiry? "

THE HON. SRI C. SUBRAMANIAM :—" Yes, Sir. All the allegations contained in the petition were enquired into and they were found to be false. The House will also be interested to know that the person concerned was charged with counterfeiting of coins. Naturally, his house was searched and, therefore, it is he is interested in making all these allegations against the police."

Grievances of village munsifs of Erode taluk.

* 1449 Q.—SRI K. T. RAJU : Will the Hon. the Minister for Revenue be pleased to state—

(a) whether the Government have received any request from the village munsifs of Erode taluk for additional staff to assist them in the heavy additional work in connection with the Lower Bhavani Project; and

(b) if so, the steps taken by the Government?

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THE HON. SRI M. A. MANICKAVELU :—“(a) & (b) No representation was received by the Government during the past two years.”

SRI K. T. RAJU :—“கீழ்வானி பாசனப் பிரதேசத்தில் ஒரு லட்சத்து இருபதாயிரம் ஏக்கரா வரையில் பாசனவசதி கிடைக்குமென்று எதிர்பார்க்கப்படுகிறது. அதனால் ஈரோடு தாலுகாவிலுள்ள கிராம அதிகாரிகளுக்கு வேலை அதிகரிக்கக்கூடும், அதனால் அதிகமான சிப்பந்திகளைப் போட்டு அவர்களுக்கு உதவி செய்யவேண்டும் என்று ஈரோடு தாலுகா கிராம முன்சீபுகள் சர்க்காரைக் கேட்டுக்கொண்டிருக்கிறார்கள் என்று பத்திரிகையில் வந்திருந்தது. அம்மாதிரிப் பிரதேசத்தில் கிராமாதிகாரிகளுக்கு வேலை அதிகமாயிருக்கிறதென்பதை முன்னிட்டு இன்னும் அதிகமான கிராமாதிகாரிகளை நியமிப்பதற்கோ, கிராம உத்தியோகஸ்தர்களுக்கு ‘அலவன்ஸ்’-ஐ அதிகப்படுத்தவோ சர்க்காருக்கு உத்தேசம் இருக்கிறதா?”

THE HON. SRI M. A. MANICKAVELU :—“Sir, if a representation is made, it will be considered.”

Cottages for the ex-tuberculosis patients at Tambaram.

* 1450 Q.—**SRI A. RATNAM :** Will the Hon. the Minister for Health be pleased to state—

(a) the number of cottages provided for ex-tuberculosis patients at Tambaram;

(b) the amount sanctioned by the Government in 1954 to provide the inmates with midday meal and to pay them wages;

(c) the maximum and minimum wages earned by the patients;

(d) whether they are bound to stay in the colony and bound to execute the printing works of the Government Press;

(e) the different kinds of work extracted from the patients both part-time and the wages paid to them for the work; and

(f) what are the proposals for improving the colony under the Second Five-Year Plan?

THE HON. SRI A. B. SHETTY :—“(a) Fifteen.

“(b) The Government have sanctioned the payment of wages at the rate of rupee one per head per day in addition to a free midday meal. This is estimated to cost Rs. 26,800.

“(c) Re. 1 in addition to a free supply of midday meal.

“(d) Yes.

“(e) Patients are given 4 hours work per day in (1) Binding Section, (2) Composing, and (3) Printing Work.

“(f) The Director of Medical Services has certain proposals under consideration for the improvement of the colony in connection with the Second Five-Year Plan. These proposals have not yet been received by Government.”

SRI A. RATNAM :—“Sir, may I know why the patients are asked to work four hours daily and why should not the Government pay for the value of the work turned out by them?”

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THE HON. SRI A. B. SHETTY :—" Sir, patients are given midday meals and are given one rupee per day towards wages."

Grievances of elementary school teachers.

* 1451 Q.—SRI M. KALYANASUNDARAM : Will the Hon. the Minister for Finance be pleased to state—

(a) whether the Government are in receipt of the resolutions regarding emoluments and service conditions of teachers passed at the Conference of Elementary School Teachers held at Velur, Salem district during November 1954, in which the Chief Minister also participated; and

(b) if so, the action taken on these resolutions?

THE HON. SRI C. SUBRAMANIAM :—" (a) Yes, Sir.

" (b) No action was taken on it as Government do not take action on copies of resolutions, when they are not received in the form of a petition stating the grounds and circumstances of each case."

Harijan Day.

* 1452 Q.—SRI A. RATNAM : Will the Hon. the Minister for Religious Endowments and Transport be pleased to state—

(a) whether the Government issued any order in the first week of January, 1955, that Harijan Day should be observed on the 30th of every month for a further period of one year;

(b) how many Harijan Day celebrations were held in the State during the year 1954;

(c) how many and by whom Harijan Days were observed;

(d) whether any arrangements are made to observe the Harijan Day in each colony occupied by Harijans; and

(e) if not, what are the reasons?

THE HON. SRI B. PARAMESWARAN :—" (a) Orders were issued by the end of December 1954 for continuing the observance of ' Harijan Day ' on the 30th of every month in 1955 except February, when it was held on the 28th.

" (b) 9,873.

" (c) A copy ^a of the programme for the celebration of ' Harijan Day ' which is placed on the table of the House furnishes the information required.

" (d) & (e) Yes. To the extent feasible but it is not practicable to have it celebrated in every colony. Also a better show can be put up in one place in a group of villages than in a number of villages in the same area."

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SRI A. RATNAM :—“ ஹரிஜன தினம் கொண்டாடுவதற்கு அரசாங்கம் பணம் ஒதுக்காத காரணத்தினால் சேரிகளில் ஹரிஜன தினம் கொண்டாடுவதற்கே முடியவில்லையென்று அதிகாரிகள் ரிபோர்ட் சமர்ப்பிக்கிறார்கள் என்பதை கனம் அமைச்சரவர்களின் கவனத்திற்குக் கொண்டுவர விரும்புகின்றேன். ஹரிஜன தினம் கொண்டாடும்போது விளையாட்டுப் பந்தயங்கள் நடத்தவேண்டும், உணவு அளிக்கவேண்டும், உடையளிக்கவேண்டும், கூட்டங்கள் நடத்தவேண்டும் என்று காகிதத்தில் குறிப்பிட்டிருக்கிறபடியினால் இவைகளுக்கெல்லாம் ஆகும் செலவுப் பணத்தை வரும் ஆண்டிலாவது ஒதுக்கி நல்ல முறையில் ஹரிஜன தினத்தைக் கொண்டாடுவதற்கு அமைச்சர் அவர்கள் ஆவன செய்வார்களா ? ”

THE HON. SRI B. PARAMESWARAN :—“ ஒவ்வொரு ஜில்லாவிலும் ஒவ்வொரு மாதத்தில் குறிப்பிட்ட கிராமங்களில் ஹரிஜன தினத்தைக் கொண்டாடுவதற்கு ஏற்பாடு செய்திருக்கிறோம். ஹரிஜன தினமே கொண்டாடாமலிருப்பதற்கேற்ற சந்தர்ப்பம் எவ்வளவு சீக்கிரம் ஏற்படவேண்டுமோ அதற்கான முயற்சிகளை அரசாங்கம் எடுத்துக் கொண்டிருக்கிறார்கள். ஆனால், அந்தந்த கிராமத்திலிருக்கும் ஜனங்களிடமிருந்து சிறிது பணம் சேகரித்துக் கிடைக்கும் பணத்திற்குத் தகுந்தாற்போல் ஹரிஜன தினம் கொண்டாடுவதன் மூலம் ஜாதி இந்துக்களுக்கும் ஹரிஜனங்களுக்குமிடையே நல்ல மனப்பான்மை உண்டாவதற்கும் ஒருவருக்கொருவர் ஒத்துழைத்துக் கொள்வதற்கும் தக்க ஏற்பாடுகள் செய்யப்பட்டுவருகின்றன. ஆனால், ஒரேசாரியாக அங்கத்தினரவர்கள் எல்லா கிராமங்களிலும் ஹரிஜன தினம் கொண்டாடவேண்டியெல்லாம் என்பதுபோல் சொல்லுகிறார்கள். எந்தக் கிராமத்தில் ஹரிஜன தினம் கொண்டாடப்படவில்லை என்று குறிப்பாகச் சொன்னால் அதை அரசாங்கம் கவனிக்கமுடியும். அங்கத்தினரவர்களுக்கு நான் சொல்வதென்னவென்றால் எந்தெந்த கிராமத்தில் ஹரிஜன தினம் கொண்டாடவேண்டுமென்று எடுத்துக் கொண்டிருக்கிறார்களோ அந்தக் கிராமத்தில் கூடியவரை ஹரிஜன நாட்கள் நன்றாகத்தான் கொண்டாடப்படுகின்றன. ”

SRI S. R. ARUMUGAM :—“ Programme for the celebrations of the Harijan Day என்பதில் மிகவும் நல்ல ‘ஐடம்’கள் இருக்கின்றன. சென்னை ராஜ்ய சர்க்காரிடம் பணம் இல்லையென்றால் மத்திய சர்க்கார் Removal of untouchability என்பதற்காக ஒதுக்கியிருக்கும் பணத்திலிருந்து ஒரு அளவு பெற்று ஹரிஜன தினம் கொண்டாடுவதற்கு செலவிட்டால் இந்த நாட்டில் ஜாதி வித்தியாசத்தை ஒழிக்கமுடியுமென்று நான் அபிப்பிராயப்படுகிறேன். ஆகவே, அந்தப் பணத்தை ஹரிஜன தினம் கொண்டாடுவதற்கு சர்க்கார் உபயோகிக்க யோசிப்பார்களா ? ”

THE HON. SRI B. PARAMESWARAN :—“ சென்னை சர்க்கார் மத்திய சர்க்காருக்கு சமர்ப்பித்திருக்கும் திட்டத்தை ஏற்றுக்கொண்டால் (கூடியசீக்கிரத்தில் ஏற்றுக்கொள்வார்கள் என்று நம்புகிறேன்). அங்கத்தினர்கள் விரும்பப்படி தீண்டாமைமை ஒழிப்பதற்கு வேண்டிய திட்டங்களையெல்லாம் சர்க்கார் எடுத்து நிறைவேற்றுவதற்கு முடியும். ”

SRI G. GOVINDAN :—“ ஹரிஜன தினம் பெரும்பாலும் மேல்ஜாதியினர் வசிக்கும் இடங்களில்தான் கொண்டாடப்படுகின்றது. அப்படிச் செய்வதற்குப் பதில் ஹரிஜனச் சேரிகளில் ஹரிஜன தினத்தைக்கொண்டாடி அங்கு மேல்ஜாதியினர் வந்து ஹரிஜன தினத்தில் பங்கெடுத்துக்கொள்ளும்படி ஏற்பாடு செய்வார்களா ? ”

THE HON. SRI B. PARAMESWARAN :—“ ஹரிஜன தினத்தைக் கொண்டாடும்போது மேல் ஜாதியினருக்குப் புத்தி புகட்டும் அளவுக்குக் கொண்டாட அரசாங்கம் கடமைப்பட்டிருக்கிறது. ”

SRI T. C. NARAYANAN NAMBIAR :—“ May I know, Sir, why in the directive issued to the officers in connection with the celebration of the Harijan Day in Taluk Headquarters, Firka headquarters and Division headquarters, it is stated that the officers

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should invite the co-operation of the local Congress and not enlist the co-operation of any other parties which are interested in it? May I know why this discrimination is made in favour of the Congress Party alone? "

THE HON. SRI B. PARAMESWARAN :—" This is only an indication on the part of the Government to show that they are keenly interested in the welfare of Harijans and with a view to give an impetus to caste Hindus and Harijans to co-operate with one another that this day has been marked as Harijan Day. But I am sorry to note that a day like ' Harijan Day ' is being celebrated even in these days, but, however, we cannot help it."

SRI T. C. NARAYANAN NAMBIAR :—" Sir, that is not a correct answer."

MR. SPEAKER :—" If the answer is not correct, I cannot help it." (Laughter.)

SRI T. C. NARAYANAN NAMBIAR :—" Sir, what is the matter that the Hon. Minister is sorry about? "

THE HON. SRI C. SUBRAMANIAM :—" Sir, he regrets that there is necessity for the celebration of a day called the Harijan Day and he wishes that all these caste differences should be abolished as early as possible. With reference to the communication that only Congressmen may be invited to participate in the function, I wish to state that members of the other parties may also be invited. There is no prohibition of any kind. The communication only says that all those who are interested in the welfare of the Harijans may participate."

9-20
a.m.

SRI A. K. SUBBIAH :—"ஹரிஜன தினங்கள் கொண்டாடியதாக கள்ளத்தனமாக ரிபோர்ட் எழுதி அந்தப் பணத்தை தாசில்தாரோ மற்றவர்களோ பெற்றுக்கொள்ளுகிறார்கள். அம்மாதிரியில்லாமல் சேகரித்த பணத்தை கிராமாதிகாரிகளிடத்தில் ஒப்படைத்து ஹரிஜன தினத்தைக் கொண்டாடுவதற்கு கிராமக்கமிட்டிகளை அமைத்து அதன் மூலம் பணத்தைச் செலவு செய்வதற்கு சர்க்கார் ஆலோசிக்குமா? "

THE HON. SRI B. PARAMESWARAN :—" எந்தக் கிராமத்தில் எந்தத் தாசில்தார் பணத்தைக் கொள்ளையடித்தார் என்று சொன்னால் அதை நான் கவனிக்கமுடியும். ஒவ்வொரு கிராமத்திலும் கொஞ்சம் பணம்தான் வசூலித்து செலவழிக்கப்படுகின்றது என்பது எல்லோருக்கும் தெரிந்த விஷயம். லட்சக்கணக்கான ரூபாய் சேகரிக் கப்படவில்லை. தாசில்தார் மாத்திரம் செய்யவேண்டுமென்ற ஒரு கட்டாயம் கிடையாது. எல்லா ஜாதிமினரும், எல்லாக் கட்சியினரும் சேர்ந்துதான் ஹரிஜன தினத்தைக் கொண்டாடவேண்டும் என்பது அரசாங்கத்தின் நோக்கமாகும்."

SRI O. KORAN :—" Sir, Harijan Day meetings are not celebrated in all places. Village officers who are entrusted to be in charge of this work, in most cases, do not take much interest in this work. Besides, they have little faith in this work also. Will the Government, therefore, consider the desirability of forming Harijan Welfare Committees in villages and entrust the Harijan Day celebration to them? "

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THE HON. SRI B. PARAMESWARAN :—" The revival of the Vigilance Committees envisaged by me in my Budget speech will, I hope, be helpful in this matter."

MR. SPEAKER :—" I have got only 8 more minutes to cover the remainder of the questions."

Low cost houses.

* 1453 Q.—SRI A. RATNAM : Will the Hon. the Minister for Health be pleased to state—

(a) whether the Government have examined the model of low cost houses and the relevant designs of the City Improvement Trust;

(b) the estimated cost of a low cost house, the area covered by it and the sanitary arrangements provided therein;

(c) the maximum number of persons (family members) that can occupy a low cost house; and

(d) what are the schemes of the Trust to lease out the houses on a permanent easy instalment basis to the respective occupiers and the period of agreement?

THE HON. SRI A. B. SHETTY :—" (a) Yes. The Government have examined the designs prepared by the Madras City Improvement Trust, Corporation of Madras and the Public Works Department. They have approved the design No. JCA. 310/53 submitted by the Public Works Department.

" (b) The estimated cost is Rs. 360 for each house with thatched roof and Rs. 480 for each house with tiled roof.

The plinth area of each house is 187 square feet.

Proper drainage facilities and community type latrines will be provided.

" (c) A family consisting of four to five persons can live in a house.

" (d) The Trust has no such schemes."

SRI K. VINAYAKAM :—" May I know whether the Government examined only the designs drawn by the City Improvement Trust or whether they examined the models constructed by the City Improvement Trust? May I know whether the City Improvement Trust constructed any models at all? "

THE HON. SRI A. B. SHETTY :—" The Government have examined the designs."

Grant to St. Joseph's High School, Chingleput.

* 1454 Q.—SRI K. C. GOPALAN UNNI : Will the Hon. the Minister for Finance be pleased to state—

(a) whether the Government are giving any grant to St. Joseph's High School, Chingleput; and

(b) if so, how much last year?

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THE HON. SRI C. SUBRAMANIAM :—“(a) Yes, Sir.

“(b) Rs. 23,091.”

SRI K. C. GOPALAN UNNI :—“May I know whether the Government are aware that the correspondent of this institution—St. Joseph’s High School, Chingleput—is carrying on anti-Indian activities?”

THE HON. SRI C. SUBRAMANIAM :—“No such thing has come to the notice of the Government.”

Executive Officer for Pappinisseri Panchayat Board.

* 1455 Q.—SRI T. C. NARAYANAN NAMBIAR: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether an Executive Officer has been appointed for the Pappinisseri Panchayat Board in Chirakkal taluk; and

(b) whether a request was made by the Board not to appoint an Executive Officer on grounds that the Board cannot afford to meet the expenditure?

THE HON. SRI S. S. RAMASAMY PADAYACHI :—“(a) & (b) Yes, Sir.”

SRI T. C. NARAYANAN NAMBIAR :—“Sir, in view of the fact that there has been a tremendous fall in the revenue derived by the panchayat board and in view also of the request made by the panchayat board to keep the decision of the Government to appoint an Executive Officer in abeyance, will the Government accept the suggestion of the panchayat board and thus save it from financial collapse?”

THE HON. SRI S. S. RAMASAMY PADAYACHI :—“The policy of the Government is to appoint Executive Officers for all A class panchayat boards. Accordingly, the Government have appointed an Executive Officer for the Pappinisseri Panchayat Board also. The income derived by the panchayat board is Rs. 12,000 and the population of the village is more than 13,000. The panchayat board can afford to pay the salary of the Executive Officer.”

Cox Colony, Chintadripet.

* 1456 Q.—SRI A. RATNAM: Will the Hon. the Minister for Health be pleased to state—

(a) the number of tenements constructed for the benefit of Harijans in the Cox Colony at Chintadripet, Madras;

(b) the area of the tenement and the number of rooms constructed;

(c) the estimated cost of construction of the tenements;

(d) the number of Harijan families and the population of Harijans residing in the colony;

(e) the number of tenements to be constructed in 1955;

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(f) whether the Government have recently received any representation from the residents' and tenants' association at Chintadripet requesting the Government to construct further tenements with adequate space for a family to move about;

(g) the rent collected from the occupiers of the tenements and whether the tenements will be assigned to them after certain number of years;

(h) if so, the period of occupation and the amount of loan to be collected; and

(i) whether any Harijan was occupying the Cox Cheri tenements originally constructed for the use of Harijans but subsequently let out to caste Hindus on a high rent?

THE HON. SRI A. B. SHETTY :—“(a) Forty tenements have been constructed.

“(b) The plinth area of each tenement is 170 square feet. It consists of a veranda, a kitchen, a living room, flush-out latrine and an open court-yard.

“(c) The actual total cost of construction for 40 tenements is Rs. 32,000.

“(d) Originally, there were 71 Harijan families. Accommodation has now been given to 38 families in the same area.

“(e) A second block of 40 tenements is being constructed now at an estimated cost of Rs. 32,000.

“(f) Yes. The matter has been separately examined and given up as impracticable for want of land for providing additional accommodation.

“(g) A rent of Rs. 3 (three) is collected from each tenant. The tenements will not be assigned to occupants.

“(h) The question does not arise.

“(i) No.”

SRI A. RATNAM :—“May I know how many Harijans were evicted from the Cox Cheri, Chintadripet, and how many of them were given alternative sites in Kodambakkam? May I also know whether the Government are aware of the whereabouts of those Harijans for whom alternative sites have not been provided?”

THE HON. SRI A. B. SHETTY :—“Some Harijans have gone to Kodambakkam. I do not know what has happened to other people.”

French-Indian Freedom struggle.

* 1457 Q.—SRI K. MADHAVAN NAMBIAR: Will the Hon. the Minister for Finance be pleased to state whether the Government have made any representation to the Government of India for the grant of any compensation to the dependents of the martyrs of French-Indian freedom struggle?

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THE HON. SRI C. SUBRAMANIAM :—“ No, Sir.”

SRI K. MADHAVAN NAMBIAR :—“ May I know whether the Government will make representations to the Government of India in this regard? ”

THE HON. SRI C. SUBRAMANIAM :—“ The Central Government are aware of their responsibility and I do not think we need point it out.”

Railway Feeder Road for Appavunagar

* 1458 Q.—SRI V. BALAKRISHNAN : Will the Hon. the Minister for Health be pleased to state—

(a) whether any petitions have been received by the Government from the residents of Appavunagar in Mambalam area for the construction of a Railway Feeder Road; and

(b) if so, the action taken thereon?

THE HON. SRI A. B. SHETTY :—“ (a) Yes.

“ (b) After careful consideration of the petitions, the Government have decided that there is no need for the formation of the Railway Boarder Road, south of Madiey Road.”

SRI K. VINAYAKAM :—“ If the Government could not form the Railway Border Road, at least will the Government insrtuct the Corporation of Madras to purchase the land required for the construction of this road and lay a road connecting it with Appavunagar Colony? ”

THE HON. SRI A. B. SHETTY :—“ The Corporation has finally proposed that the provision in the draft town-planning scheme for the formation of this road may be deleted. The draft town-planning scheme has been sent to the Commissioner, Corporation, for revision.”

SRI V. BALAKRISHNAN :—“ Did the benevolent Minister visit the spot before he agreed with the files? Is it a fact that the opinion of the Minister is being thwarted by rich personalities of this area? ”

THE HON. SRI A. B. SHETTY :—“ Certainly not, Sir.”

Advertisement on the State Transport buses

* 1459 Q.—SRI A. RATNAM : Will the Hon. the Minister for Religious Endowments and Transport be pleased to state—

(a) how many advertisements were secured by the Transport department and how many advertisement boards were exhibited in State Transport buses in 1954;

(b) the rate and conditions of the advertisement in the State Transport;

(c) the amount collected towards the exhibition of these boards?

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(d) the number of Government advertisement boards exhibited and the rate charged; and

(e) if the Government advertisement boards are not charged, the reasons therefor?

THE HON. SRI B. PARAMESWARAN :—“(a) to (c) The Transport Department does not undertake exhibition of advertisements on buses on payment. During 1954 under certain special circumstances, the Transport Department, however, exhibited advertisements relating to Soviet Cultural Delegation performance, Inter-Service Football Match, Navy Day and Chinese Cultural Delegation performance on certain buses free of charge. The right for exhibition of advertisements on State Transport buses and on the back of the tickets have been sold after inviting tenders to the International Publicities, Madras, on sole agency basis. According to the contract entered into with them (which expired on 31st January 1955) the advertisement was limited to a maximum number of 200 buses at a time plying in Madras City. The advertisements exhibited by the Transport Department in 1954 free of charge were not covered by the contract.

“(d) No Government advertisement boards were exhibited on the State Transport buses.

“(e) Does not arise in view of the answer to clause (d).”

SRI S. C. C. ANTHONI PILLAI :—“In view of the fact that the mercantile community has not been enticed into advertising sufficiently on the motor buses, will the Government consider the suggestion to exhibit posters exhorting people to give up untouchability, to follow the rules of public health, etc.?”

THE HON. SRI B. PARAMESWARAN :—“Does the hon. Member want that his suggestion should be implemented in the City of Madras or in the mufassal areas also?”

SRI S. C. C. ANTHONI PILLAI :—“In the City of Madras.”

THE HON. SRI B. PARAMESWARAN :—“Is ‘untouchability’ so acute in the City?”

Grievances of Health Inspectors

* 1460 Q.—**SRI K. MADHAVAN NAMBIAR :** Will the Hon. the Minister for Health be pleased to state—

(a) whether the Government have received any representation from the Madras State Health Inspectors' Association regarding their service conditions; and

(b) if so, the action taken thereon?

THE HON. SRI A. B. SHETTY :—“(a) Yes, Sir.

“(b) It is under the consideration of Government.”

MR. SPEAKER :—“Questions over.”

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[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—POINT OF ORDER *RE* QUESTION RELATING TO LEGISLATURE SECRETARIAT—SHORT NOTICE QUESTION.

MR. SPEAKER :—“ I hope the House will remember that the hon. Member Sri Kalyanasundaram raised a point of order the other day whether a question pertaining to the department of the Legislature should be answered here by the Hon. Finance Minister, I mean, the Leader of the House. The House will also remember that I told the House I would give my ruling later. The practice in England is when a question pertaining to the jurisdiction of the Speaker is raised, it is given private notice of . . . ” 9-30 a.m.

SRI S. PANCHAKSHARAM :—“ Point of order, Sir.”

MR. SPEAKER :—“ Point of order on Speaker's ruling? ” (Laughter.)

SRI S. PANCHAKSHARAM :—“ Sir, on such matters, I believe the members of the House are entitled to express their views.”

MR. SPEAKER :—“ You need not express your views. In the House of Commons, questions relating to the departments over which the Speaker has jurisdiction are answered privately. I do not know whether hon. Members know what I mean by saying ‘ privately ’. That means, the questions are asked privately by addressing the Speaker and the answers are given by the Speaker in his Chamber and not in the House.”

SRI K. VINAYAKAM :—“ How does it get publicity, Sir? ”

MR. SPEAKER :—“ The hon. Member is always thinking of publicity. It is not necessary to have publicity.

“ So, questions relating to matters over which the Speaker has jurisdiction are addressed to the Speaker in writing and the Speaker answers them in his Chamber. There the jurisdiction is entirely in the hands of the Speaker. This should be remembered. In the House of Commons, the Clerk's Department is entirely in the hands of the Speaker. In Delhi also, the Speaker of the Lok Sabha is not allowing such questions to be answered in Parliament.”

SRI M. KALYANASUNDARAM :—“ Sir, before you give your ruling, I want to say this. I am not very anxious that this question should be answered publicly. If the Hon. Speaker wishes to answer it privately, I have no objection. What I want is remedy and not publicity.”

MR. SPEAKER :—“ I am not speaking about publicity, whether we should send it to papers for giving a big heading and all those things.”

SRI S. DAIVASIGAMONEY :—“ Sir, are we not entitled to know the answer of the Speaker? ”

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MR. SPEAKER :—“ Every member can come and get the answer from the Speaker. I am going to give a ruling on this matter.

“ I told just now that in Delhi also, the Speaker is not allowing similar questions to be answered in Parliament. It is given private notice of and answered in the Chamber. But the House would remember that the Secretariat of the Lok Sabha is entirely in the hands of the Speaker and it is in his jurisdiction. And there is a separate Secretariat for the Rajya Sabha. Here it is not the case. Here there is a Council and there is a Chairman of the other House.”

SRI S. PANCHAKSHARAM :—“ I have got a doubt, Sir.”

MR. SPEAKER :—“ What is that doubt? ”

SRI S. PANCHAKSHARAM :—“ The State Legislature is also a portfolio in the hands of a particular Minister. Any matter relating to the State Legislature Secretariat can be replied to by that Minister in charge of the State Legislature. Here the question has been posed to the Hon. Finance Minister and therefore why not the Finance Minister be allowed to answer that question? Besides, the State Legislature is not such an autonomous body or an independent body like the Judiciary or the Public Service Commission. For instance, even questions relating to the Judiciary and Public Service Commission are raised in this House and the Ministers are answering them. It is not as if it is a ‘ State within a State ’. Therefore why not questions relating to the State Legislature be answered here in this House? ”

MR. SPEAKER :—“ The hon. Member may become a member of the Lok Sabha and then he will know that he is not allowed to put such questions there.”

SRI S. PANCHAKSHARAM :—“ My submission is this

(At this stage Sri V. Balakrishnan stood up in his seat.)

MR. SPEAKER :—“ Point of order on point of order? ”

SRI V. BALAKRISHNAN :—“ Sir, is it proper to disturb and interrupt the Hon. the Speaker like this? ”

DR. K. B. MENON :—“ On a point of information, Sir, every question that is asked in this House is supposed to be of public interest. If these questions relating to the Legislature Secretariat are addressed to the Speaker and if they are answered in private, what opportunity will the House have to know what those questions are and what the answers are? ”

MR. SPEAKER :—“ What happens in England as well as in Delhi is this. If the hon. Member has any doubt regarding this he can write or come to the Speaker. I am giving information on what is happening in Delhi as also in the House of Commons.

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[Mr. Speaker]

“ I have already told the House that in Delhi there are two separate Secretariats. So also in England there are separate Secretariats for the House of Commons and for the House of Lords. So, it is entirely in the hands of the presiding Officers there. It is not so here. Both the Speaker and the Chairman are concerned. Apart from this, our Constitution provides [Article 187 (2)] that the Legislature may by law regulate the recruitment, and the conditions of service of persons appointed to the Secretariat staff of the House, etc. Note the word ‘ may ’. So far we have not passed any law in this direction. Therefore, the Speaker can answer the question only in his Chamber and not here.

“ I must tell the House that our House meets every year—I am speaking of the calendar year and not the financial year. Last year, we met for 67 days and the Council met for 35 days; the number of hours we work on an average is much greater than that of the Council. Though normally we are expected to work for 5 hours a day, we work for more than six hours and we have also night sittings. The Council works for 3 hours a day, I think. In 1954, we met for 67 days and the Council met for 35 days. Further for both the Houses, we have a common staff. Where we have not got separate secretariats, the Governor is expected to consult both of us. What I say is that the Speaker’s voice may be drowned in the voices of the Governor’s representative and the representative of the Council, namely, the Chairman. I do not say that it is so. But it may be drowned in the voice made by the Governor’s representative and the Chairman of the Council. So, the Speaker cannot take the responsibility to answer the question even in his Chamber. (Laughter.)

“ I want to make the point clear. In England there are separate Secretariats and the Speaker is entirely responsible for his Secretariat. In Delhi also, the Speaker has a separate Secretariat and he is entirely responsible and so the President consults the Speaker there. In the House of Commons the Speaker is consulted. Here both of us Speaker and Chairman are consulted. It may so happen that the Speaker’s suggestion may be drowned in the voice of the Governor’s representative and the Council’s representative. So the Speaker cannot take the responsibility of answering such questions in his Chamber. The hon. Member Sri Panchaksharam Chettiar raised a pertinent question, as to where such questions would be answered. Supposing I have a separate Secretariat anything that is asked here will be more like a censure on the Speaker; it will be a reflection on the Speaker. That is why even cut motions are not allowed in Delhi, Lok Sabha. But we are different here. I wish that Government will bring in a legislation soon, so that the House itself may regulate the recruitment, emoluments and other things, I think, as there is dual control now in the Legislature Secretariat, the Hon. Leader of the House will answer this question.”

SRI S. RAMALINGAM :—“ A doubt, Sir.”

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MR. SPEAKER :—" A doubt will always be heard."

SRI S. RAMALINGAM :—" Sir, the Governor may and will consult the Speaker and the Chairman for any appointment. I want to know whether the Speaker was consulted in a particular"

MR. SPEAKER :—" I am consulted in everything."

SRI S. RAMALINGAM :—" I want to know whether in a particular instance the Speaker was consulted. If I am permitted I shall put a question."

MR. SPEAKER :—" I am consulted in everything."

* SRI G. GOVINDAN :—" கனம் சபாநாயகர் அவர்களே, தாங்கள் தற்போது கொடுத்திருக்கும் ஈலிங் ரொம்பவும் முக்கியமானதாகும். ஆனால் ஆங்கிலத்தில் தற்போது தாங்கள் கூறியதால் ஆங்கிலம் தெரியாத எங்களுக்கு அவை புரியவில்லை. தற்போது அவற்றை தமிழில் சொல்வதாக இருந்தால் காலதாமதம் ஆகும். ஆகவே அவற்றைப் பின்னராவது தமிழில் எங்களுக்கு ஒரு சர்க்குலர் மூலமாக அனுப்பிவைக்குமாறு கேட்டுக்கொள்ளுகிறேன்."

MR. SPEAKER :—" அப்படியே பின்னால் சர்குலர் அனுப்பி வைக்கிறேன்."

9-40
a.m.

* SRI T. ANANTA PAI :—" Sir, you were good enough to explain to us the convention in England where such questions have got to be put privately and would be answered privately. That has created a certain amount of confusion in our minds because you have not explained why they should be put privately."

MR. SPEAKER :—" Because it will be a reflection upon the conduct of the Speaker. If the hon. Member has got any doubt or misgiving about the working of the Speaker's Secretariat, he can straightway bring forward a no-confidence motion."

* SRI K. P. KUTTIKRISHNAN NAIR :—" On a point of clarification, Sir. Suppose a no-confidence motion is brought forward in respect of the management of the Secretariat under the Speaker. What is the provision relating thereto? If it is to be dealt with by the Ministers or representatives of the Governor, we can bring it here. Otherwise, what will be the provision? "

MR. SPEAKER :—" Suppose the House makes a law in regard to the recruitment and other conditions of service of employees of the Legislative Assembly Secretariat and the department is entirely under the supervision of the Speaker. Suppose he is not carrying out the provisions of that law. Then, naturally it means that he is not able to control the Legislative Assembly Secretariat."

SRI M. KALYANASUNDARAM :—" I am glad that my point of order has evoked a statement on this important issue. But, my object in putting the question was only to seek a remedy."

MR. SPEAKER :—" Then, the hon. Member does not want that the question should be answered now? "

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SRI M. KALYANASUNDARAM :—“ I am just coming to that point. Now that you have explained the delicacy of the situation, I am only appealing to the Hon. the Leader of the House to examine the question and to reach a settlement in regard to this matter. In order to help that, I do not propose to press my question.”

MR. SPEAKER :—“ The hon. Member is not pressing his question.”

The hon. Member Sri Karuthiruman has given notice of a motion under rule 40 of the Assembly Rules.

III.—MOTION UNDER RULE 40 OF THE ASSEMBLY RULES *RE* DAMAGE CAUSED BY HAILSTORM IN CERTAIN FIRKAS OF GOBICHETTIPALAYAM TALUK.

SRI P. G. KARUTHIRAMAN :—“ கனம் சபாநாயகர் அவர்களே மார்ச்சு மாதம் நான்கு, ஐந்தாவது தேதிகளில், அதாவது வெள்ளி, சனிக்கிழமைகளில் கோபிச்செட்டிபாளையம் தாலுக்காவில் ஒரு பெரிய மண்மாரியும், கல்மாரியும் பொழிந்து ஏகப்பட்ட சேதத்தை விளைவித்து இருக்கிறது. குறிப்பாக சிங்கிரிபாளையம், சத்தியமங்கலம், செம்பப்பதூர், ஏலூர் ஆகிய இடங்களில் அதிகச் சேதம் ஏற்பட்டிருக்கிறது. கிண்டியம் பாளையம், எருமைக்காரன்பாளையம், பெரியூர், சொத்தக்காடு, நாகரிணை, பூனைமேடு ஆகியவற்றிலும் ஏராளமாக கால்நடைகளுக்குச் சேதம் ஏற்பட்டிருக்கிறது. உயிர்சேதம் மாத்திரம் 11 ஏற்பட்டிருக்கிறது. இரண்டு பெண்கள் இறந்ததாகவும் தகவல் எனக்கு எட்டியிருக்கிறது. ராஜ்யத்தில் வேறு எந்தப் பகுதியிலும் இவ்வளவு பெரிய நஷ்டம் ஏற்பட்டிருக்காது. அந்தப் பிராந்தியங்களிலுள்ள ஏழை எளிய விவசாயிகளுடைய குடிசைகள் எல்லாம் சேதமாகியிருக்கின்றன. காற்றினால் அடிக்கப்பட்டு பாழ் படுத்தப்பட்டிருக்கின்றன. அப்பொழுது விழுந்த ஒரு பனிக்கட்டியின் எடை மாத்திரம் 15 மணங்குக்கு மேல் இருந்தது. அதை அடுத்த நாள் தாசில்தார் ஆபீசில் எடுத்து எடை போட்டபோது ஐந்து மணங்கு நான்கு ராத்தல் இருந்திருக்கிறது. அதோடு நூறு வகுஷங்களுக்கு முன்னால் கூட இதுமாதிரியான சேதம் ஏற்பட்டதாக தெரியவில்லை ஆகவே சர்க்கார் ஏழை மக்களுக்கு உடனடியாக நிவாரணம் அளிக்க முன்வரவேண்டும், அந்தப் பிரதேசத்திலுள்ள மக்கள் இந்த மண்வாரி, கல்வாரி மழையினால் பெரிதும் பாதிக்கப்பட்டிருக்கிறார்கள், உடனடியாக செய்யக்கூடிய உதவி தான் அவர்களுக்குப் பெருத்த நன்மையை விளைவிக்கும் என்று சொல்லிக் கொள்ளுகிறேன்.”

* **THE HON. SRI M. A. MANICKAVELU :—**“ Sir, there was a heavy hailstorm on 4th March 1955 between 4-30 and 6-30 p.m. in Satyamangalam firka of Gobichettipalayam taluk. Ten villages have felt the intensity of the storm. The loss involved is reported as follows :—

- (1) The roofs of most of the houses in two villages of Pudukkalayanur and Ukkaram were damaged and tiles broken.
- (2) Fifty-five cattle died. Several received injuries.
- (3) Some women mazdoors were struck by the storm and one died. About 22 persons in the village were injured and standing crops over a wide area were destroyed.

Medical aid has been given to the injured men and cattle. The Collector has postponed the collection of kist in the ten villages

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affected to May 1955. He considers that grant of loans on a large scale is not necessary and that free grant in cash for repair of damaged roofs is necessary in a few cases. Grant of special remission of assessment will also be necessary in view of the total destruction of standing crops. The Collector has promised to send a detailed report shortly."

SRI S. DAIVASIGAMONEY :—" Sir, I read in the papers that a hailstorm weighing about 20 stones fell in Gobichettipalayam. Is it correct? "

THE HON. SRI M. A. MANICKAVELU :—" Perhaps, I may flatly deny it."

SRI K. UPPI :—" May I know whether the Government or the Hon. Minister has seen a photo published in ' The Mail ' about the hailstorm which was weighing about 500 lb."

MR. SPEAKER :—" Let there be no debate on this matter. The Hon. the Finance Minister will now reply to the discussion on the Police Demand."

IV.—VOTING ON DEMANDS FOR GRANTS FOR THE
 YEAR 1955-56—*cont.*

(1) DEMAND XIV—POLICE—*cont.*

* THE HON. SRI C. SUBRAMANIAM :—" Mr. Speaker, Sir, the debate on the Demand relating to Police did not evoke as much heat as it always used to do. That I take as a recognition by this House and also by the public of the very important and essential role which the Police have got to play in the administration of a country. Whatever be the set-up, it is necessary to have an efficient and good Police Force for the purpose of keeping law and order. For the progress of any community, it is necessary to have security of person and property—I advisedly say ' property ' also—properly guaranteed and without that security, we cannot have any peaceful progress. It may be that in times of revolutions or during days of civil conflagration the law is not obeyed and the law and order situation is fluid. But in any well-established society it is necessary to maintain law and order in the interests of the community. Therefore, the Police department discharges a very essential function in the administration of any Government. When I referred to security of person and property, I advisedly laid some stress on security of property also. It may be that the conception of property is changing from time to time. But the property according to the recognized conception of law will have to be protected and it is the duty of the Police to give such protection. Whether that conception of property is liked or not, whether it is popular or not, as long as it is in the existing law that certain property and individual rights are recognized, it is the duty of the Police to give protection to it. But I am afraid that there is certain amount of confusion in regard to this matter.

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“ Simply because we want to make certain changes in the conception of property and we want to establish certain rights involved in private property, we should not expect the Police to come to our aid when a certain law exists recognizing those rights. It is because of this misunderstanding that certain charges were levelled against the Police with reference to the rights of kisans, mirasidars and labourers. As far as the Police are concerned, they have to administer the law as it stands. The Police cease to be efficient if they should go into the question of finding out whether the law is just or unjust. As long as the law stands, they are bound to see that that law is enforced. Therefore, all these allegations that the Police have been taking sides in certain matters—for example in Tanjore they were giving protection to mirasidars and they were acting against the interests of kisans—arise because of this misunderstanding. As long as the law recognizes that a certain share is to be paid to a landlord and certain contractual obligations have to be respected under a law, it is the duty of the Police to give protection to that law. Therefore, they should not find fault with the Police for that. If at all they want to find fault, they should find fault with the Government which do not make a change according to the need of the situation and their policy underlying it. It is no use blaming the Police and I want to make that point quite clear to hon. Members. If that is understood, I am sure, most of these misunderstandings would not have arisen.

“ Then I come to another aspect of the matter. I agree that in discharging those functions, we have got to see that they act in a just manner. If, in the discharge of their duties, they have committed mistakes, certainly hon. Members are bound to point out them and as a Government we are bound to take notice of that. If there had been any unjustifiable or unjust action on the part of the Police officer, certainly the Government should enquire into it and take necessary action to stop it. I am afraid, we should not, in the interest of the efficient administration of the Police department, attack the Police for giving protection to existing and recognized rights.

“ Sir, charges have also been made that the Police have not got out of their past traditions and even though some of the officers have changed, many of them have not changed for the better and the same mental attitude is still being maintained by some of them. I do not want to deny them completely but the only thing that I want to make clear is that it cannot be a one-sided affair. After all, the Police have to function within the community and if there has got to be better relationship between the public and the Police, the mental attitude of the Police and the mental attitude of the public have to change. As there are certain past traditions and past habits with the Police, the public have also got their own past history and their mental attitude formed due to conditions which existed prior to Independence. We always looked

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upon the Police as supporters of the alien regime and many of us have not changed that attitude and that habit. In this connexion, I would like to recall to this Honourable House the supplementary question put by the hon. Member, Sri Chellathurai, with regard to the dogs maintained by the Police department. Of course he wanted to pun upon the words 'Police dogs' but still it reflected what was in his mind and he gave expression to it. I am not finding fault with him in that respect. I can well understand his attitude towards the Police in view of the untold sufferings he had undergone during the freedom struggle. But we should change when circumstances have changed. I referred to it only as an illustration to show that that attitude continues to a lesser or greater degree in the mind of all of us who had participated in the freedom movement. We want the Police to change their attitude but at the same time it is also necessary for us to change our attitude and look upon the Police as guardians of law and order and as friends of the people. Unless that attitude comes in the minds of the people also, we cannot expect a revolutionary change in the minds of the policemen also. I do not say that the Police do not have a duty in the changed set-up. They also have to change the attitude but it cannot be a mere unilateral affair. Therefore, I only want to appeal through this House to the Public that it is not as if an alien administration is here, using the Police for its own purpose and for the purpose of maintaining it. Here a Government based on democracy elected by the people are functioning and the Police are for the purpose of carrying out the orders of the Government in the interests of the people. If only people come forward to look upon the Police as instruments for the good administration of the country, I have absolutely no doubt that the feeling against the Police would disappear and policemen who are also human beings are bound to reciprocate it. But if we continue to have that feeling of hostility against the Police, as human beings they are also bound to reciprocate it at least to a certain degree even though as officials belonging to a very disciplined force they are found to control their emotions or feelings to a greater extent. Still they are also human beings. Therefore, it has to be looked not merely from the attitude of the policemen but it has also got to be looked at from the attitude of the public and the legislators also. So my appeal to the public is that they should look upon the Police not as instruments of tyranny or as instruments used for the purpose of teasing them. They are being maintained for the purpose of acting in the interests of the community as a whole. As I explained in the beginning, unless there is security to the person and property, there can be no orderly progress and there can be no real happiness of the people."

SRI K. C. GOPALAN UNNI:—"On a point of order, Sir. Police is the portfolio of the Hon. the Chief Minister but the Hon. the Minister for Finance . . ."

MR. SPEAKER:—"One Minister can reply on behalf of another Minister."

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* SRI K. C. GOPALAN UNNI :—“ I can understand if the Hon. the Chief Minister is not here but when he is here, is it not fair to this House that he should reply to the debate and not the Hon. Minister for Finance.”

THE HON. SRI C. SUBRAMANIAM :—“ Apart from the point of order raised by the hon. Member, I have already begun my reply and I have the right to continue it. Even the Hon. the Chief Minister cannot interrupt me! ”

* SRI K. C. GOPALAN UNNI :—“ I want a ruling from the Chair.”

MR. SPEAKER :—“ The Cabinet has got the collective responsibility and one Hon. Minister can reply for another Hon. Minister.”

SRI E. L. RAGHAVA MUDALIAR :—“ The Hon. the Chief Minister was not here when the Hon. Minister for Finance began his reply. It is better that the Hon. Minister in charge of the portfolio replies to the debate.”

* THE HON. SRI C. SUBRAMANIAM :—“ That is one aspect of the matter which I want to place before this House for its careful consideration.

“ Then with reference to the law and order situation which prevailed during the current year, I wish to place before this House certain facts and figures which would go to show that there has been considerable improvement in the law and order situation. It is true that up to the year 1953 (including that year) there has been an increasing tendency towards lawlessness, but now the situation is well under control and I am happy to announce to the House that we have turned the corner. I may quote the figures. In 1954, the number of cognizable crimes was 54,226 as against 72,880 in the year 1953. That shows a decrease of 25.6 per cent. I may also state that there is still a downward tendency and therefore we need not be unduly alarmed by the figures of 1952 and 1953 and be under the impression that lawlessness is on the increase in our State. 10 a.m.

“ This improvement in the situation is attributed to very many causes. First and foremost is the favourable seasonal condition obtaining in our country. Lawlessness was on the increase because of the very unfavourable seasonal conditions which prevailed continuously for a number of years and because of the poverty conditions prevailing in the country people took to lawlessness. That is an important factor to be borne in mind. Now that the seasonal conditions have improved considerably, there is a marked fall in the crime situation also. Further we have also taken effective preventive measures and, as a result of this, many crimes have been prevented. Many criminal organizations have been unearthed during the current year and they have been effectively dealt with. There has been a vigorous drive organized against professional criminals

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and bad characters. Due to all this, the situation has considerably improved and we are hoping that it would improve still further during the year 1955-56.

" On the question of lawlessness, I would like to make certain general observations. After all, lawlessness is due to the conditions prevailing in the community and the mental attitude of the community as such. If for the purpose of achieving certain things—those things may be good—we adopt certain methods of lawlessness, it does not confine itself to that particular purpose alone. The members in the community want to use those lawless methods for other purposes also. I will give the example of the fast undertaken by Mahatma Gandhi. I do not want to cite other examples. Nobody could attribute any motive to Mahatma Gandhi for undertaking a fast and the purpose for which the fast was undertaken. But what do we see to-day? All sorts of persons are undertaking fasts for all sorts of purposes, even for ridiculous and evil purposes. That is what is happening to-day. So also with regard to strikes. Strike is one form of non-co-operation. It was used by Mahatma Gandhi for the purpose of attaining freedom. But once it is used for a certain purpose it does not get restricted to that purpose alone. The community wants to use it for all purposes about which we may not agree. That is why I say that even though lawless methods are adopted for very good purposes, it has its own repercussions in the community. That is what we are finding to-day. Therefore, if after the war, the law and order situation had deteriorated, I should think that war itself had contributed to that to a very great extent and apart from that, if my hon. Friends sitting on the opposite side would not mistake me, I should say that the policy adopted by the Communist Party had also contributed to it. The establishment of a Communist society is supreme in their minds and they think that any method can be adopted to achieve that purpose and violence could be used. Of course, they use those methods only for the purpose of achieving, may be, a desirable end. But it does not stop there. Lawless acts are resorted to by others also who do not understand why the Communist Party is using violence. Even if they understand, they think that the use of violence is justified. Therefore I say, it spreads into the community. If there has been deterioration in the law and order situation, it is not due to this particular cause or that. The general situation in the country has also contributed to it. Therefore if we are all interested in seeing that conditions should improve and that our community should progress peacefully towards the ideal which we have placed before ourselves, apart from private individuals, it is necessary for political parties to follow high standards with regard to the actions they take and therefore I would appeal to all the political parties in the country to see that they have a responsibility to discharge in this respect. Now that we have a democratic form of Government under which power has been transferred to the people and the people can have the form of Government and the form of society which they want, it is not necessary to bring any changes by adopting lawless methods

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or methods of violence and methods opposed to existing laws. If that is understood and such an atmosphere is created, that will greatly be conducive to the maintenance of law and order in the country and to that extent we will be able to reduce our expenditure on police administration and the money can be utilised for other developmental expenditure. Therefore, there is no use of accusing the Government or the Police Department for the conditions prevailing in the country. The Police Department are trying to tackle the situation and if we want a reduction in the police expenditure and if we want that there should not be police action in any sector, it is necessary for the community to create conditions wherein there will not be any necessity for the police to interfere. There is no use of finding fault with the police if they have to interfere for the purpose of maintaining law and order.

“ With regard to investigation of crimes and prosecution of the criminals, many charges have been made on the floor of this House and I do agree with some of these charges. With regard to investigation of crimes, we have to bear in mind two aspects. One is professional crime, which mainly relates to offences against property and as far as those cases are concerned, no doubt, with very skilful investigation we may be able to detect crimes and see that the criminals are convicted. But with reference to other offences, that is, offences against persons, they are not committed by professional criminals. Such offences take place in the midst of the people in the villages and towns. Only with the co-operation of the public, it would be possible for the police to detect such crimes properly. If there is no public co-operation, however efficient the Police might be, it would not be possible to have efficient investigation and efficient detection. Therefore, in all these cases, unless the people come forward, even at the stage of investigation, to state the truth and nothing but the truth and not to hide from the Police any facts which are known to them, it is almost impossible for any Police official to function properly. Unfortunately, with regard to this matter, we have developed a sort of mental attitude and we are not worried as to what happens to another person. If a murder is committed and if we witness that murder, we will usually shirk the responsibility of being a witness in that case. I know the various irksomeness caused by being a witness because apart from the fact he has got to go to the Police station and then to the Court, he has got to subject himself to very skilful cross-examination by lawyers like Sri S. Swayamprakasam, Sri Raghava Mudaliyar and others and, myself being a criminal lawyer, I know all these facts to a certain extent. There is a certain amount of hesitation on the part of the public to be witnesses in cases even though they may be aware of certain facts. That sort of attitude should go. After all, the detection of crime is not merely the function of the Police. It is not for the satisfaction of the Police that detection of crime is made. Detection of crime has to be made for the sake of the community. Unless the public realize their responsibility in the investigation and detection of crime, the Police officers cannot function properly. That atmosphere should be

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created. I do agree that the Police also have to change their attitude to the public to a certain extent. They should treat persons in a respectful manner and properly. They should so conduct themselves that the public should not feel hesitant to go to the Police station. The public, provided they are law abiding, should feel that the Policeman is their friend. It should be possible for anybody to approach a police official and get justice. I do agree that such an atmosphere should be created. Unless such an atmosphere is created and there is co-operation between the public and the Police Administration, it would not be possible to have efficient investigation and detection.

“ Even with reference to prosecution of criminals, what do we see? In many of these cases, we find real witnesses are not willing to come forward to give evidence. All sorts of witnesses have got to be put forward when a Police official is satisfied that a person is a criminal and he tries his best to see that the criminal is booked. Therefore, all sorts of witnesses who are available are put forward for the purpose of getting a conviction. Many of these witnesses when handled properly by lawyers break down during cross-examination and even true cases fail. When true cases fail, there is indignation in the community who point out : ‘ Here is a man who committed actual murder but he has been acquitted by the Court because the Police have not been able to conduct the prosecution properly.’ That is the charge levelled against Police officials. It is not merely due to inefficiency of the Police officials that true cases fail. It is because witnesses who had witnessed occurrence of crimes were not prepared to come forward to give out the truth, to speak out the truth in the Courts of Law and when made-up witnesses were put forward, naturally they broke down during cross-examination resulting in the failure of cases. That is the difficulty which we are finding. I am talking to you frankly because, having been a lawyer and having dealt with criminal cases, I know the problems to a certain extent. Therefore, we should impress upon the public that it is the responsibility of a citizen in a free country that he should assist the Police in investigation of crime and in detection of crime and it is his duty to give out what are all the facts known to him in respect of a certain case or crime. Then alone it would be possible to have only true cases put forward, in Courts of Law and all true cases ending in conviction. Apart from all these difficulties, I am able to say with a certain amount of pride that we are maintaining a very high standard compared with the state of affairs existing in other States. I do not wish to say anything about the state of affairs in other States except to say that having compared our figures with the figures relating to other States in respect of the number of convictions in the original Courts and the number of convictions upheld in the High Court we have got a very high percentage and we have nothing to feel ashamed about it. Therefore, if only there is further public co-operation which should come from responsible quarters, I am sure there is bound to be greater improvement. With reference to detection of professional crimes, we are trying our best to improve our methods

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of investigation, to use the various advanced scientific methods available for the detection of professional crime and we are meeting with very great success in this sphere. Therefore, I am sure, the House will join me in paying our tribute to the Police Force in acting under the existing circumstances and achieving very good results.

“ I do agree that it is necessary to tone up the Police administration and particularly so because they wield very great powers. Any Police official can put any person however respectable he may be in jail for a temporary period. But in the interest of the community, we have to arm the Police with such powers. It is necessary to see that the Police maintain a very high standard in exercising these powers. I am not prepared to say that we are fully satisfied with the existing conditions. There is room for improvement and we are taking all steps to improve the prevailing conditions. But making a general accusation that every Police Officer is bad is not going to contribute to the improvement of the existing state of affairs. On the other hand, that will deteriorate the existing condition. That is my view. If a general accusation is made that every Police official is dishonest, there will not be inducement even for the honest officers in the Department to function properly. We should be able to weed out the bad eggs and treat them separately. Wholesale condemnation of the Police officers and the Police Department would not lead to any improvement in the administration of Police Department. Therefore my request to hon. Members is that if they have got any individual complaint against Police officers or Policemen, it is better that they pass it on to Ministers of the Government or to high officials in the department rather than make general charges that the Policemen or Police officials are behaving in such and such a way, that they are generally dishonest and that they are not acting in a fair manner. In the interest of the Police administration, in the interest of the Government and in the interest of the community, such general charges, if I may say so with great respect, should be avoided, as far as possible. I am giving this assurance on behalf of the Government, on behalf of the head of the Police Administration and other high officials in the Department that any complaint from any responsible person will be duly looked into, will be duly enquired into and that there is no question of favouring anybody or trying to protect any official. We shall try to do justice in the matter. Therefore, I would appeal to the hon. Members and also to the public that wherever there has been any injustice done to them because of any action taken by any Police officer as a Police officer, instead of having a grievance against the Police as such, they should localize it and lodge a complaint with reference to that and we shall try to see that these complaints are properly enquired into. In this connection, I have to inform the House that this aspect of the matter was also discussed at the Conference of the Home Ministers convened recently at New Delhi whether we should not have a separate staff for the purpose of enquiring into the complaints against policemen as such or whether we should utilize the same

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machinery for the purpose of enquiring into complaints against Policemen. On this matter, the Government of India and other State Governments as a whole would be taking a decision.

10-20 a.m. " But so long as we have a machinery we should utilize it to the best advantage possible. I may tell the House that there is a separate branch which is in charge of enquiring into the complaints against officers as such—leave alone the Police Officers—and it includes all officers. That branch is acting in a very fair manner and very efficiently too. Simply because, a person belongs to the Police Department he is not favoured and no undue protection or unjust protection is given to him. But in order to create confidence in the people, not only should it be enquired into properly, but also people should feel that it is being properly looked into. Whether a separate machinery should be set up for the Police Officers may be considered by the Government of India and by the other State Governments. Till then, I am sure, the existing machinery should be utilized to the best advantage possible. As I said already, they are functioning quite properly.

" In this connection I am glad that hon. Members took some interest in the amelioration of the conditions of policemen, particularly the police constables and head constables. I do agree with them, more especially because of the onerous responsibility put upon them, that they are entitled to better living conditions. That is what the Government are trying, and as a first step we are taking up the problem of housing and in that we are making good progress. As I have already stated in my Budget Speech, we have asked the Government of India for loan assistance to the extent of four crores of rupees, so that the housing programme might be taken up to house 90 per cent of our policemen within the next two or three years. I am hoping that with the assistance of the Central Home Minister, it would be possible to get the loan assistance and to take up the housing programme on an extensive scale so that we can solve this problem. When we solve the problem of housing our policemen, it will also solve the problem of the middle-class and the lower middle-class people incidentally. The houses now occupied by policemen would be then released for the occupation of the middle-class citizens. Therefore it is not necessary for the purpose of relieving the housing problem of the ordinary citizens, to concentrate upon putting up of houses for industrial labour and middle-class and lower class people who are not in the police force; for, to some extent the houses in the occupation of policemen would be then available for the community as a whole. Therefore, from this point of view, I am sure, the Government of India would take a sympathetic attitude to the request we have made. I am hoping that that assistance would be available to us for taking up the Housing programme.

" Apart from that, even within our limited resources, we have allotted Rs. 40 lakhs for putting up houses for policemen in the Budget year 1955-56. We have already started 389 houses which are in the process of construction and which would be completed

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during the next year. Not only houses, but other living conditions also we are trying to improve and I am sure the whole House would support the Government in any measure that they may take in improving the living conditions and improving the status of the last grade men in the Police Department.

“ Sir, this year has particularly been very critical in view of the conditions which prevailed round about Pondicherry and other ex-French areas. During these critical periods, I am glad to say, that our Police have functioned and managed very well. Now that the transfer of Pondicherry to the Indian Union has taken place, that problem has also been completely solved. So also, during the recent District Board elections, our Police have discharged their functions very well. Of course, if I now refer to Avadi Session, hon. Members may feel that it was a party affair. It was not merely a party affair. It was more than that it was controlling a big congregation and even in such a situation, the police had handled the affair very well. We have the certificate from very high personages coming from the various other States and from the Centre and they have paid encomiums to the Police for managing the situation under very difficult conditions. Within a very limited period, they had managed lakhs of people congregating in one area. Not only law and order situation, but traffic situation, health situation and so many other things and all these were taken care of by the Police. I am glad—I say it with a pride—that our Policemen rose to the occasion and discharged their function very well and very properly too.

“ Sir, I am sure the House does not expect me to deal with any of the further points raised by the various other hon. Members. I may assure them that all those points would be scrutinized and examined and whatever action is necessary will be taken. With this assurance I am sure the hon. Member who moved the cut motion will withdraw the cut motion so that we may pass this Demand unanimously and a sense of confidence may be created in the Police that we look upon them as our friends and that we expect them to discharge their duties as the friends of the community as a whole, and to create an atmosphere of mutual friendliness. I hope the hon. Member would withdraw his cut motion.”

SRI T. C. NARAYANAN NAMBIAR :—“ Sir, let me hope that for the next Budget Session, we may have—some of the members at least—the pleasure to withdraw our cut motions. But let it be there for this year.”

MR. SPEAKER :—“ The question is—

‘ That the allotment of Rs. 5,24,63,500 under Demand XIV—Police—be reduced by Rs. 100.’ ”

The motion was put and lost.

MR. SPEAKER :—“ The question is—

‘ That Government be granted a sum not exceeding Rs. 5,24,63,500 under Demand XIV—Police.’ ”

The Demand was carried and the Grant was made.

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(2) DEMAND XII—ADMINISTRATION OF JUSTICE
AND (3) DEMAND XIII—JAILS.

MR. SPEAKER :—“ We have got another 2½ hours. The time allotted for the Demands is three hours. I do not think we can finish them before we rise . . . (The Hon. Finance Minister : ‘ I think we can finish.’) Then, the other Demand will be carried to to-morrow.”

SRI M. KALYANASUNDARAM :—“ Sir, in that case, to-morrow’s programme will be upset.”

MR. SPEAKER :—“ We are working for about six hours. We cannot even have night sittings.”

SRI M. KALYANASUNDARAM :—“ My suggestion is that we may take up Civil Works, etc., on the 23rd for which we will keep that day free.”

MR. SPEAKER :—“ So, we will take up to-day Administration of Justice and Jails and Civil Works will be taken up in the end; is that so? I have no objection. The Hon. Minister will move a motion to that effect to-morrow.”

* THE HON. SRI C. SUBRAMANIAM :—“ Sir, on the recommendation of the Governor, I move—

‘ That the Government be granted a sum not exceeding Rs. 1,11,01,800 under Demand XII—Administration of Justice ’.”

MR. SPEAKER :—“ Motion moved—

‘ That the Government be granted a sum not exceeding Rs. 1,11,01,800 under Demand XII—Administration of Justice.’”

SRI E. L. RAGHAVA MUDALIAR :—“ I move the cut motion standing in my name, namely—

‘ That the allotment of Rs. 1,11,01,800 under Demand XII—Administration of Justice—be reduced by Rs. 100.’”

MR. SPEAKER :—“ Cut motion moved—

‘ That the allotment of Rs. 1,11,01,800 under Demand XII—Administration of Justice—be reduced by Rs. 100.’”

THE HON. SRI C. SUBRAMANIAM :—“ Sir, on the recommendation of the Governor, I move—

‘ That the Government be granted a sum not exceeding Rs. 1,01,27,600 under Demand XIII—Jails.’”

MR. SPEAKER :—“ Motion moved—

‘ That the Government be granted a sum not exceeding Rs. 1,01,27,600 under Demand XIII—Jails.’”

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SRI C. H. KANARAN :—" I move—

*' That the allotment of Rs. 1,01,27,600 under Demand XIII—
Jails—be reduced by Rs. 100—*

MR. SPEAKER :—" Cut motion moved—

*' That the allotment of Rs. 1,01,27,600 under Demand XIII
--Jails—be reduced by Rs. 100.' "*

* SRI V. R. KRISHNA AYYAR :—" Mr. Speaker, Sir, the Demands which have now been placed before the House deal with the administration of justice and jails and they are very key Demands on which the attention of the House must certainly be focussed with considerable earnestness and concern. There is hardly any doubt that in a democratic set-up the rule of the law must prevail and only where the rule of the law prevails can we say with pride that there is real democracy. In this connexion, I wish to make certain observations which may be of a fundamental character, not in a spirit of dogmatic criticism but with a desire to provoke thought, if I may say so humbly, in the mind of the Government so that the present administrative set-up in the matter of justice may be so shaped as to bring it nearer the people and more in consonance with our ideal of a democratic Government. I need hardly say that the rule of law means the vindication of the right of everybody, of all the citizens of our Republic, and this again implies two very necessary things. If every man is to be able to urge his rights, to vindicate his rights, and also to prevent aggression and wrongs being committed, it necessarily means that it must be available to the common man. We cannot afford to forget that the common man in this country by and large is poor and ignorant. Therefore, it behoves the Government to see that if the common man who is poor is to urge his rights and seek redress in a Court of Law, it must be within his means. If he is not able to urge his rights in a Court or take his cause for adjudication to a Court notwithstanding the existence of Courts, pleadings, causes of action and all that, then it becomes a theoretical remedy for him. The first condition or the *sine qua non*, if I may say so, for the enforcement of rights by the ordinary people in this country who are poor is that justice should be cheap. Real justice can come to the common people only when justice is cheap. In this connexion, I should like to invite the attention of the Hon. Minister to his speech introducing the Budget where he says that court-fee is also a kind of taxation proposal because he characterizes the reform of court-fees by the introduction of a new Bill as one of the taxation proposals."

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THE HON. SRI C. SUBRAMANIAM :—" I did not state it as a taxation proposal. I said that the revision of Court-fees would yield Rs. 8 lakhs more and that that would go to fill the budgetary gap to some extent. I did not say that it was a taxation measure."

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* SRI V. R. KRISHNA AYYAR :—“ I do not have a copy of the speech of the Hon. the Finance Minister with me at this moment. I certainly stand corrected. I thought the Hon. Minister was clubbing reform of court-fee with taxation proposals. I am thankful to him for the correction.

“ But the point I want to drive home is that justice should be made cheap and that is fundamental. If we are to be in a real Republic, if we are to be modelling our society on a socialistic pattern and if we are keen on helping the common man, it becomes very necessary that oppression should be prevented and that every man must be able to vindicate his rights in a Court. But what is the present position? The Court Fees Act makes it almost impossible for the ordinary man to go to Court if he is poor. Court-fee is already high. I shall say more about it when the Court-fees Bill is moved. But at the moment I shall say that the Court Fees Act is so oppressive in the matter of a man taking a cause to a Court because the cost is oftentimes so heavy that he cannot pay it. Justice should not be a matter of the rich alone being able to enforce their rights. In this connexion, I may also mention that the obligation of the State to administer justice does not depend upon the returns therefrom. I am sorry to say that in this Budget one could see that the administration of justice has almost been reduced to the nature of a commercial undertaking. I find that Rs. 1 crore odd are the total requirement under this head while at present from stamp revenue we have about Rs. 1.38 lakhs. While the ideal or real state of affairs in a Republic should be that a man need not pay for his cause when he goes to Court, every man whose right has been aggressed and every man who has been wronged must be able to walk into a Court free because justice should be cheap. Justice, if it is not free or cheap, is really a denial of justice, if I may be permitted to say so. I, therefore, request the Hon. the Finance Minister to revise his idea and not to make the administration of justice one of the commercial undertakings of this Government. Therefore, we must have cheaper justice, less court-fee or no court-fee at all. Fee in respect of fundamental matters like the issue of a writ or going to court for small causes should be nominal or there should be no levy at all. On the other hand, the tendency appears to be that in Madras it has been very high, relatively very high, and that it is going to be made still higher. That is a trend in the wrong direction. It is a dangerous thing because the common people will not be able to go to court and the rich man will have his way because he has a longer purse while the poor man has a thin purse or none at all.

“ Another point I would like to mention in this connexion to make justice cheap is this. Process-fee is now costly. It has been increased from time to time. I would submit that the ordinary people will not be able to pay even the process-fee. I am sure the Hon. the Finance Minister's heart will be throbbing and sympathizing with the poor. If that throb were to have practical response

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in concrete terms, I should expect the poor people being enabled to conduct their cases at cheap rates of court-fees, process-fees and copying charges. In fact, copying charges are sometimes very heavy and the ordinary people may not be able to pay them.

“ Lastly, defence must be made available to the poor classes free. It may be said or it may be retorted that there are lawyers who may charge heavy fees and that their income depends upon high exactions of that sort. But there are also institutions in this country, few and far between, which give free or cheap legal aid. I, for one, know of an Association in Tellicherry of which I happen to be the President through which free or cheap legal aid is given to persons who are really poor and who have certain causes which they are unable to ventilate in a Court of Law because of poverty. Such institutions must be protected. State grants must be given to them. Harijan causes must have free championing by the State stepping in. For instance, in all cases, not merely murder cases but other cases also, there must be defence provided by the State. There are various cases where the accused or the defendant should get such aid from the State because the prosecution is done at the expense of the State. I wonder why we should not have State aid being given to the defendant or accused also in other fitting cases. I do not say that in all cases legal charges must be met by the State but they should be met only in cases where poor people are involved. There are quite a lot of poor people in this country. These people where they are really poor must be enabled to have their causes agitated in a court properly with legal aid provided by the State. I would, therefore, request the Government to consider extension of legal aid at the expense of the State to poor people and they can make a start as the Hon. the Education Minister did with regard to grant of pensions to elementary school teachers. For instance, where Harijans are absolutely poor, he can start with free legal aid being granted to them. Man's rights then become not merely a theoretical announcement of them in a book but they become enforceable in a Court of Law. So, I hope the Hon. the Law Minister will consider this aspect of reducing the court-fee and particularly in certain fundamental cases abolish it altogether, abolish the process-fee or at least lighten the load of litigation expense by giving free copies of documents and again providing free legal aid to poor people.

“ Then, I come to another aspect of the present administration of justice, that is, law's delays. Justice to be meaningful must be straight and simple. The common people must understand that justice is being done. Let us take a murder case. It is investigated for three months, it takes three months for committal, it takes three months in the Sessions Court and ultimately it is disposed of by the High Court in a couple of years because the High Court is a law unto itself and acts in its own way. It may not be surprising to hear of a murder case, so grave a case as that, taking two or three years

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before it is finally disposed of by the highest court in the country. It is a regrettable—I do not say ‘disgraceful’—state of affairs that there should be law’s delays.”

THE HON. SRI C. SUBRAMANIAM :—“ I do not think that those conditions prevail now. Such things might have existed two or three years ago. If only the hon. Member goes into the list of pendency of criminal cases, I am sure he will not make this charge.”

SRI V. R. KRISHNA AYYAR :—“ Whatever might be the position, there has been a slight expedition in the matter of criminal cases. But I can state my own experience. Quite recently an interlocutory petition was filed in the Munsif’s Court in Malabar. The matter was going on; judgment was about to be pronounced. Then a document was not admitted by the Munsif. A revision petition was filed on this refusal order. It went on for two full years in the High Court. I hope the Hon. Minister will agree with me that with regard to an interlocutory petition as to the admissibility of a document . . . ”

THE HON. SRI C. SUBRAMANIAM :—“ I was only referring to criminal cases, particularly murder cases.”

10-40 a.m. * SRI V. R. KRISHNA AYYAR :—“ Sir, I am dealing with the subject of justice in general and not merely with murder cases.”

“ So, I would suggest that justice must be speeded up. Justice delayed is justice denied. It is time that we give it a practical form and shape and then implement it. It is not merely a question of the number of cases being disposed of in the courts. We know the havoc that is some times perpetrated in the disposal of cases. It should not be a disposal for disposal’s sake but it should be a conscientious disposal. I do not want the disposal of these cases for the purpose of preparing statistics to show that so many cases have been disposed of in a year. What I suggest is that there should be a quickening of the process of investigation and the speeding up of the trial proceedings. Within three months, the whole process should be gone through. I know that it takes one or two years in the district court and a longer period in the High Court. I have read some reports on the administration of justice in certain countries, where it is stated that in the case of a man committing an offence, the investigation of the case is completed in the course of two or three weeks and the man is put on trial and in the course of six weeks the man is convicted if he has committed a crime which has been proved. But here in this country, it takes months for the investigation of the case and years for the conviction of the person found guilty of committing a crime. We should put a stop to this long-drawn-out affair and the whole process of administering justice should be quickened. In this connexion, I would like to make another suggestion. Justice must be administered as far as possible by peripatetic courts. At the moment we have static courts. Instead of having static sub-magistrate courts we can have these circuit courts. As far as possible, small cases or even fairly important cases

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should be disposed of in villages. The Hon. Minister also admitted that there was an increase in the number of perjury cases. If these courts hold their sittings in villages, they can dispose of these perjury cases then and there. Sir, there are two advantages in holding the sitting of the court in the place where the crime takes place. For instance, if the trial is held at the place where the offence is alleged to have been committed, witnesses will not come and boldly perjure. The result will be that cases of perjury may stop and the people also will get law-conscious. Therefore, I suggest that courts should hold their sittings in villages. In this connexion, I also wish to emphasize that justice should be administered in a more democratic manner than is done now. If I may put it in this way, justice must be of the people, by the people, for the people. I shall just explain how exactly justice can be done for the people and by the people. Justice can be done to the people only if the laws are simple and they can understand them. The present legal procedure both in regard to civil and criminal cases—is so complicated that the ordinary man is simply baffled and he has to become the victim of a lawyer. Therefore, we must simplify the forms of procedure relating to the administration of justice.

“ Sir, the language used in courts must, as far as possible, be the regional language. I would not say that it can be done by a stroke of the pen but it is time that we make a beginning now. For instance, in panchayat courts, the regional language is used. At least in the mufassal courts, the regional language can be used and by doing so we can bring justice nearer to the people.”

DEPUTY SPEAKER :—“ The hon. Member has got one more minute.”

* SRI V. R. KRISHNA AYYAR :—“ In this connexion, I may suggest that we must have decentralization of courts. As it is we have a congregation of courts in towns. For instance, in a place where there is a district court, sub-courts are also situated. If there are more than one sub-court in a particular place, they should be shifted to places where there is no court. By this process, the people will also have the benefit of courts in their places.

“ I wanted to refer to several other matters but for want of time I will not be able to refer to all of them now. I shall refer to one or two important matters. Sir, transfer of the Judges of the High Court will really tone up the administration of justice. Transferring of judges is a very wholesome and salutary thing. I would request the Hon. Minister to take up the matter with the Central Government as there is no constitutional difficulty in the matter.

“ Then I come to another matter. Sir, certain vacancies in the judicial department were kept vacant for people who had rendered military services, and when they were appointed to those vacant posts they are treated as juniors to the men who were appointed in temporary vacancies. This is a very unjust state of things and it is time that the Government look into the matter

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and rectify things. In other States and centre particularly such a policy is not adopted and I do not know why in our State such a thing should be done . . .”

DEPUTY SPEAKER :—“ The hon. Member’s time is up and let the hon. Member, Sri Raghava Mudaliar speak now.”

SRI E. L. RAGHAVA MUDALIAR :—“ Mr. Deputy Speaker, Sir, perhaps this is the only department which has maintained its traditional reputation and efficiency with, of course, a little room for improvement. I am sure that the efficiency of the department has increased due to the separation of the Judiciary from the Executive and the appointment of Sub-Magistrates from among the practising lawyers. But there is a grievance amongst the lawyers recruited for the posts of Sub-Magistrates, that there is not much scope for advancing their position. Some of them had been recruited without taking into consideration the existing vacancies. In March 1954, about 50 candidates were recruited but before they could complete their training and be absorbed in the department, another 27 candidates had been recruited and most of them have been reverted or sent away. If people who had been recruited from the department had been reverted, at least they could go to their parent department, and do their normal work. But in the case of the practising lawyers who had been recruited for the Judicial department, if they are reverted they are not able to resume their practice with the result that they are without any employment. This state of affairs should be ended and those who have been recruited and who have completed their nine months’ training must be immediately absorbed in the department.

“ Sir, apart from the ordinary tests prescribed by the Public Service Commission for the candidates selected for judicial appointments, in my opinion, there must be a separate test for judging their temperament. The people to whom has been entrusted the task of safeguarding the rights and liberties of the people must be temperamentally suited for the job. Therefore, the Public Service Commission should prescribe this test also for them. For instance, there are people who are ill-tempered, short-tempered and ‘ explosive-tempered.’ If such people are to administer justice, I think justice will always be denied. In this connexion, there is also another point to be taken into consideration. Some people may be temperamentally suited for the job but after putting in a certain years of service they may develop constitutional diseases. Sir, you know that people suffering from piles are given to short-temper and they are ill-suited to the job. Therefore, there must be periodical medical inspections of these judicial officers who are occupying responsible posts. When they suffer from such a disease, they must be transferred to some other department and suitable persons must be appointed in their place. The Hon. Law Minister knows as a practising lawyer that certain judicial officers do not take down the depositions properly because of difficulty in understanding the regional language or of difficulty in translating it into English. Taking down depositions is the most important

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thing in rendering justice. Persons who have not got sufficient knowledge of the regional language are posted and when they translate it into English, the matter loses all its significance. Sometimes, in recording depositions, judicial officers take down quite the opposite of what the witness says."

THE HON. SRI C. SUBRAMANIAM :—" Then I think we should have tape recorders."

SRI E. L. RAGHAVA MUDALIAR :—" We should have tape recorders or we should appoint persons who are fully conversant with the concerned regional language. I know one case where a Sub-Magistrate, who was absolutely ignorant of the regional language, was asked to record the dying declaration of a particular person. He was not able to record it and the Taluk Magistrate had to come and record it. If such is the case with dying declaration, I am at a loss to understand how the officer will take down the depositions. To such persons is entrusted the important task of safeguarding the liberty and rights of the people.

" Another matter which I wish to bring to the notice of the Hon. Minister is about 'statistical disposals' both in the civil courts and criminal courts. For the purpose of statistics, the officers go on calling cases and if the parties are absent or if they have not taken any steps, they dismiss a number of suits for default. A number of suits are dismissed or decreed *ex parte*. Even though old cases are ready, new suits are taken up and they are dismissed for default. This is being done for statistical purposes. There are hundreds of petitions pending, to restore these suits dismissed for default. These petitions will not be disposed of until the particular officer who has himself dismissed the suits for default is transferred and his successor will have to bear the brunt. Once these cases are restored to file, the number of pending suits will be swelled and additional courts will have to be established in such places. Officers who resort to such statistical disposals should be dealt with properly and departmental instructions should be issued that if suits are dismissed for mere default, they would not be taken into account for the purpose of arriving at the total disposals of the officer and such disposals should not be taken into account for reducing the pendency. Only cases which are disposed of after a full trial and in which judgments are delivered should be taken into account in arriving at the disposal, and not suits which are dismissed for default.

" Strict adherence to the Civil Rules of Practice must be enforced. There are certain officers, who just to annoy people, take up two or three cases, make them part-heard, examine one witness or examine a witness in part, and the parties are made to wait for months together before the case is finished and judgment delivered. Officers who systematically follow such a procedure should be taken severe notice of and they should be properly dealt with. They should be asked to follow the Civil Rules of Practice. If the hearing of one case is going on, no other case should be taken up before it is disposed of.

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“ There are certain orders which are not appealable and which are purely discretionary. When such orders are passed, they must be properly scrutinized by the inspecting officers and strictures should be passed whenever they are found to be perverse.

“ In certain areas the courts are overcrowded whereas in certain other areas there is not sufficient work to justify the existence of a court. In North Arcot district, there are two Subdivisional Magistrate's Courts. There is light work in both the courts and still I find that there is an Additional First-class Magistrate's Court at Vellore. There is no necessity for this Additional Magistrate's Court and the work can be distributed between the two Subdivisional Magistrates' Courts.

“ The pecuniary jurisdiction of the District Munsif's Courts has been increased from Rs. 3,000 to Rs. 5,000. Though it is nearly four years since the Act was passed, I find that it has not been enforced. I request the Hon. Law Minister to take early steps to see that it is enforced. The Law Minister is a practitioner himself and he knows the practical difficulties. I wish he takes a dispassionate view of things and rectifies all the defects.

“ I thank you, Sir, for the opportunity given to me to speak.”

SRI N. GOPALA MENON :—“ Mr. Deputy Speaker, Sir, I support the Demands relating to administration of justice and jails. In doing so, I wish to offer a few remarks, first about jails. I have gone to jails several times, but I have returned the same day on which I went in (laughter), but all the same I know some thing about what is going on inside the jails and about the administration of the jails. I think, Sir, that all the world over prisons are being reformed. It is not a reform which only the Madras State is taking up. The old idea of punishing the criminal is gradually going away and the intention is to reform the criminal. There is a feeling that all human beings are essentially good and on account of the environment and other difficulties, human beings get into trouble and commit crimes. They can all be saved if they are reformed. For instance, adult education is imparted to the convicts in the various jails in Madras. There is a teacher trained in adult education and he imparts education to them. All amenities are given to them. Jails are not those gruesome dens which they were some years ago, because there is change of outlook both on the part of the Government and the people. An impetus to the reform of the jails has been given because of the large number of political prisoners who went in. The search-light of public criticism was focussed on the administration of jails and we have jail reforms to a large extent.

“ Although, ordinarily speaking, the jails are being well administered, there are ways in which the lot of the convicts could be bettered. I think that all the convicts should be given implements and they must be made to work and not be kept idle. If

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they are allowed to remain idle, it will be a burden on the finances of the State. Now, roughly about 40 per cent of the convicts are made to work. We must make all of them work by starting factories and farm-houses. In other countries the convicts are asked to lay roads and do other work. In these and other ways the services of the convicts can be utilized. This will give greater cheer to them and the coffers of the State will also be replenished. I think, Sir,—I do not exactly remember the figures—that now a sum of Rs. 30 lakhs is realized by selling the products produced by these convicts. This can certainly be increased.

“There are also certain small matters to which I shall refer. For instance, the convicts are not allowed to write letters except perhaps once in a month or once in a week according to the status of the convict. These restrictions could be relaxed and they can be given greater facilities to have contacts with the outer world and with the members of their own family. There is nothing wrong in that. When persons are convicted and sent to jails, sometimes their families are stranded. For instance, if a person who is the only bread-winner in a family is sent to jail, what happens to the members of his family? Womenfolk may have to resort to practices condemned by society and children may become vagrants. It is the duty of the State to see that such a thing does not happen, and that if the convict is the sole bread-winner of his family, the State ought to see that some provision is made for the members of his family and other dependants.

11
a.m.

“Then, Sir, I would like to say that convicts should be given training in crafts so that they may be useful to society after release from the jail. At the present moment, all sorts of convicts, that is those who are convicted for offences like murder, dacoity, etc., and those who are convicted for offences under the Prohibition Act are kept together. If a person who gets convicted for an offence under the Prohibition Act and is sent to jail is to associate with another person who is convicted for committing a murder, then the chances are that by close contact and association the former may get contaminated, and therefore it is necessary that a sort of differentiation should be made between the convicts undergoing imprisonment for different types of offences.

“Regarding the administration of justice, I wish to say a few words. On the whole, there is nothing to criticise about the Administration of Justice at present. It has been said repeatedly that the Administration of Justice is slowly moving. But it must necessarily be slow if we want it to be perfect, or approach perfection as nearly as possible. There is the Russian method, for instance, of administering criminal justice. If a man, say on the railway platform, gets hurt by being stabbed by another person or by knocking against something, the person who has stabbed is immediately taken into custody along with persons who are on the platform and they are immediately marched to the Magistrate's Court. The Magistrate sits and decides everything and the accused

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is punished. That is indeed a very very speedy method of rendering justice. But the chances are that sometimes an innocent person may also be found guilty. It may be that in the rush of the people on the platform a person who stabs goes away and an innocent person is caught and all the people what are on the platform may think that he is the real culprit and the Magistrate too may convict him. The system of British Jurisprudence which has been adopted by us and is being adopted all over the world is recognized as the best system although there may be a little slackness in administering justice. After all it has been found for ages to be the best. Especially in administering criminal justice, we ought to be very careful in changing the procedure that is adopted. As regards civil cases also, I do not think there is any trouble, so far as the people are concerned. Even now, people have got greater confidence in courts than in any other Tribunal.

“ I would like to say a word regarding the Original Side of the High Court. I would say, Sir, that it ought not to be abolished. The Madras High Court is one of the oldest High Courts. Both the Bombay and Calcutta High Courts have got Original Side, and I think it is advisable from many points of view to have the Original Side here also. Several enactments like the Company Law will have to be administered by the High Court on its Original Side. I am not saying anything against the jurisdictional value. But so far as the abolition of the Original Side of the High Court is concerned, I think, so long as the Original Side is retained in the Bombay and Calcutta High Courts, there is no reason for the Government to abolish the Original Side in the Madras High Court.

“ I would also like to say a word regarding the location of the Magistrates' Courts. Recently hon. Members of this House would have listened to a number of questions being put particularly by Members coming from Malabar about the difficulties experienced by people who have to walk long distances to go to these Magistrates' Courts. A person will have to go 70 miles in some cases and sometimes he will have take with him witnesses also with all the trouble that it entails. It will take at least two days for him to go to the Magistrate's Court and come back. A very easy way of circumventing this difficulty and solving the problem would be to vest the Munsifs of the places with magisterial jurisdiction. There are a large number of District Munsifs' Courts in Malabar. Therefore, I would make that suggestion to the Government.

“ I wish also to say just a word about the Rent Courts which are functioning in Malabar district. The people of Malabar prefer District Munsifs' Courts to deal with matters relating to rent to Tahsildars' Courts. The people have got greater faith in District Munsifs' Courts than in the Rent Courts presided over by the Tahsildars, because they feel that justice would be rendered better by District Munsifs than by Tahsildars.”

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* SRI P. K. GOPALAKRISHNAN :—“ Mr. Deputy Speaker, Sir, it is the imperative duty of the Government to administer justice to the people. Therefore, the Government should not think of earning profits by running the Department of Justice.

“ Under the Head ‘ Administration of Justice ’, the Government are expecting an income of Rs. 44 lakhs. Under the Head ‘ Stamps ’ hon. Members will find that the Government derive an income of Rs. 95.47 lakhs from judicial stamps alone. The Government, therefore, anticipate a total income of Rs. 139.47 lakhs. The expenditure budgeted for under ‘ Administration of Justice ’ is only Rs. 127 lakhs. The Government are anticipating, therefore, a net profit of Rs. 12.47 lakhs. Even this is an under-estimate. Last year the Government anticipated an income of Rs. 130 lakhs from Court-fee but actually got only Rs. 90 lakhs. This reduction is due to the fact that last year the Moratorium Bill was passed. Now that the life of the Moratorium Act has come to an end, the income under ‘ Stamps ’ is likely to go up and the Government may even expect a larger amount than was anticipated last year. The Government will therefore be making more than Rs. 40 lakhs by way of profits by administering the Department of Justice.

“ When this is the case, there is no reason why the Government should raise the court-fees. The Government are bringing a comprehensive Court Fees Bill and thereby they want to remove certain anomalies. I say the Government are not only removing certain anomalies, but they are bringing that Bill as a measure of taxation also. Because, on several items, the Government want to increase the revenue from court-fees. For example, the fee for writ petitions is to be raised to Rs. 25; while the existing fee is Rs. 20, formerly it was only Rs. 2; but the Government want further to raise it to Rs. 25. So also on several other items the Government want the court-fee to be raised. There is no reason why the Government should raise the court-fees inasmuch as the Government are already making a gain by Administration of Justice.

11-10
a.m.

“ Sir, I would plead that an accused who is brought, rather dragged into the court should pay nothing for court-fees; an accused, unless he is under duress, has to pay court-fee on all the affidavits and all other petitions that he files in the court; also he has to pay for copies of documents that he wants to get for the proper conduct of his case. It is only just that a man who is dragged into the Court, not by his own will, but because of the will of the Government,—such a man is not proved guilty until he is convicted—should never be asked to pay anything to the court by way of court-fees and also by way of fees for copies of documents. So all the accused should be given free copies of documents connected with his case. Also he should be exempted from paying court-fee on all the documents that he is filing in the court.

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“Coming to another point, there is a provision for giving legal aid to Harijans in criminal cases. But in private cases launched against Harijans, the Harijans are not extended that facility. That facility should be given to Harijans, even when a private complaint is lodged against them. So also, that facility should be extended to them even in civil matters, because all the Harijans in Malabar are Ulkudidars; the landlords are launching civil suits against them to evict them and in such cases, the Harijans are not in a position properly to defend themselves and therefore even in civil matters, legal aid should be extended to them.

“Coming to jails, I want to point out that several recommendations were made by the Jail Reforms Committee and the Government have failed to implement most of the recommendations. On the floor of this House, on several occasions, questions were asked and the Government also answered that they would look into the recommendations of the Committee and that many of the recommendations have been implemented. But actually, very few and minor recommendations have been implemented, and the major recommendations are still to be implemented. In the recommendations of the Committee, much importance is laid on ‘probation’, instead of sending the offender to jail. That has not yet been implemented. Again, the Jail Reforms Committee has recommended to introduce the wage system to labour done by the prisoners; that system has not been introduced; the labour of prisoners is not paid for properly. The recommendation was that half the wages should be allowed to be spent by prisoners for their own use inside the jail, for buying whatever things they want from jail canteens—they had also insisted that jail canteens should be established—things like beedis, cigarettes, tobacco; if they do not use that half, they should be allowed to send it to their homes. This recommendation has not been implemented.

“Again, there are recommendations regarding diet in jails. The Committee says that the diet prevalent before the controls was all right; but that after the control has been introduced, the diet both in quantity and quality got reduced. When questions are asked, the Hon. Minister has been replying that if some sugar or jaggery is to be given, buttermilk that is supplied should be stopped. Is this fair on the part of the Government? Should a man who is put in prison and who is deprived of all his liberties should lose his health? There is enough production in the land; there is no want of rice or any other foodstuff; Government can very well give them very good diet. Further the prisoners are doing very good manual labour.

“Now, I come to the condition of sub-jails. The sub-jails in our State are very bad. Stinking mats are given; they would have been used from time immemorial by successive prisoners. Perhaps urine also might have been passed on them. Even we, political prisoners were given these mats, stinking, full of bugs and

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all sorts of other insects and we were forced to lie on these mats. There is no provision for taking bath every day. There is not even proper water-supply. The prisoners would be allowed to take bath only after they resort to hunger strike and all sorts of methods. Every human being in this country should have facilities to take bath once a day and that is denied to prisoners in sub-jails. Again in regard to supply of newspapers, no newspaper or periodical is supplied to prisoners in sub-jails; only in the Central Jails they are supplied. Newspapers, periodicals and even books should be supplied to prisoners in sub-jails . . .”

DEPUTY SPEAKER :—“ The hon. Member has got one minute more.”

* SRI P. K. GOPALAKRISHNAN :—“ If hon. Members would visit the sub-jails in the State, they will find that the conditions in sub-jails are the same as they were during the British regime; there has been no improvement. I plead that the conditions in sub-jails should be very drastically and immediately improved. Unless this is done, we cannot claim that ours is a Welfare State, that ours is a Civilized Nation. With these words, I resume my seat, Sir.”

* SRI N. RAMAKRISHNA AYYAR :—“ Mr. Deputy Speaker, Sir, I shall be confining myself to some of the social welfare aspects of administration of criminal justice. My hon. Friend, Mr. Gopala Menon said that we are having a new outlook on crime, a new outlook on offence, offenders, and punishments meted out to them. We no longer think of an offender as a confirmed unsocial being, having bad propensities not in common with other members of society in which he lives. We have now come to believe that he is part of the society and if at all he has criminal propensity, it is a sort of moral disease. We have physical diseases and we have mental diseases in society. They are all the result of want of balance in man's life—personal life as well as social life. We treat physical and mental diseases by noting the symptoms, treating the symptoms and then trying to find out the root cause of the disease and to eradicate it. So also offence or crime is the result of moral maladjustment of individuals in society and our efforts should be to lay a greater stress, a stress which will really point out that the offender is a part of the society and treated as such and not one so as to be caught, punished, deterred and suppressed.

“ Now, Sir, we have got very many good statutes on the statute book. I feel that they are not made full use of. For instance, there is the Probation of Offenders Act. Court must make greater use of this Act and give the offenders, the undertrials, an opportunity to correct themselves by letting them out on parole and supervising their activities through Probation Officers. My feeling is that what little we have tried to do has been a success and that it should be extended throughout the State. In the case

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of offences which are trivial or which do not entail heavy punishment it is better that we let the offender out on parole and ask a Probation Officer to tackle the human aspects of the case. A short punishment merely embitters the man instead of correcting him. That embitterment prepares him for the commission of further crimes. Now, we have a number of undertrials. I find from the report for the year 1953 that the period of remand of an undertrial before being brought to a Court of Sessions is about 30 days and that before being brought to a Magistrate's Court is about 13 days. It is during this period that the man will go to dogs. This is the period when he should be on probation and under the fostering care of a Probation Officer. I plead for the appointment of a greater number of Probation Officers. I would also plead that every member should turn himself into a Probation Officer. That would be a sort of real service to society. He will thereby be really uplifting the worst man in the society.

“ Then, we should have more Juvenile Courts and Reception Homes. Juvenile Courts have an atmosphere different from that of ordinary courts and it conduces to the corrective aspect with which we should approach the juvenile offenders. There should be a Juvenile Court and a Reception Home one at least in every district headquarters.

“ With regard to Certified Schools, I think their strength is also increasing. There are more boys in Certified Schools than the accommodation warrants or the staff could manage. Instead of increasing the strength of Certified Schools, it is better to have Reception Homes run by Social Welfare Organizations who would tackle these youngsters and bring them to their balance by being kind and by giving proper guidance.

“ Then, there are the Rescue Homes. More than the male offender the female offender has a very bad future. She is the object of special obloquy and unlike the male offender, she is not free to go about and earn her living after she comes out of prison. As our womenfolk are to be the mothers and the teachers of the generations to come, we have a special duty by them and I would suggest that we should have more Vigilance Homes, at least a Vigilance Home in each district headquarters.

“ We are now having some 5 or 6 shelters. Even the small number of shelters, Rescue Homes, that we have have earned the tribute of visitors from abroad and from other States. That is very encouraging not only to the Government but also to the social workers. I hope the Government will certainly give inducement to Social Welfare Organizations to start Vigilance Homes and Rescue Homes in various parts of the State.

“ I have got only one word more to say. That is about the management of trusts in the mufassal. The Administrator-General and his staff do a type of work the like of which we do not have officers in the mufassal to do to-day. I think it is high

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time that we had a replica of Administrator-General in the various district headquarters so that so many wills and trusts which are not now properly looked after may be looked after properly and the public may benefit by them."

SRI V. BALAKRISHNAN :—“ சபைத்தலைவர் அவர்களே, நமது 11-25 a.m.
நாட்டில் நீதிஸ்தலங்கள் எல்லாம் ஆண்டவன் ஆலையங்களாக இருக்கின்றன என்று சொன்னால், அது மிகையாகாது. அதிலும் நமது ஹைக்கோர்ட்டில் உள்ளபடியே மனு நீதி மன்னனுடைய நீதி வழங்கப்படுகிறது என்றாலும், அதுவும் மிகையாகாது. நான் ஹைக்கோர்ட்டை இதுவரை பார்த்ததில்லை. சமீபத்தில்தான் நான் அங்கு போய் பார்க்கும்படியான சந்தர்ப்பம் ஏற்பட்டது. நான் ஹைக்கோர்ட்டின் உள்ளேயிருந்து பார்த்த போது, அங்கிருக்கும் ஹைக்கோர்ட்டு நீதிபதிகளெல்லாம் சாவகாசமாக ஒவ்வொரு விவகாரத்தையும் அமைதியோடு, பொறுமையோடு விசாரித்து முடிவு செய்தார்கள். அது போலவே கீழே ஜில்லாக்களில் உள்ள நீதிபதிகளும், சாவகாசமாகவும், பொறுமையுடனும் அவர்கள் முன்வரும் விவகாரங்களைத் தீர்ப்பார்க்கையாகுதல் உள்ளபடியே மனுநீதி மன்னனுடைய நீதி, ஜில்லாக்களிலும் பரவும் என்று சொல்லவிரும்புகிறேன். நான், ஏன் ஜில்லாக்களில் உள்ள நீதிபதிகள் அவசர அவசரமாக கேஸ்களை விசாரிக்கிறார்கள், என்று ஹைக்கோர்ட்டில் உள்ள அதிகாரிகளைக் கேட்போது, அவர்கள் சொன்னார்கள். முதலாவதாக ஜில்லாக்களில் உள்ள வக்கீல்கள் தான் அதற்கு காரணம். அவர்கள் பலபேர்களிடம் வக்காலத்துகளை வாங்கிக்கொண்டு, கேஸ்களை கூப்பிடும் போது ஆஜராவதில்லை. ஜட்ஜுகள் ஒரு தடவை, இரண்டு தடவை time கொடுத்துவிட்டு, மூன்றாவது தடவை கேஸை தள்ளுபடி செய்கிறார்கள் என்று சொன்னார்கள். இது ஒரு காரணம். அடுத்தபடியாக அங்கு இருக்கும் நீதிபதிகள் ஒவ்வொருவரும் இவ்வளவு கேஸ்கள் வருஷம் ஒன்றுக்கு வந்திருக்கிறது. அந்த கேஸ்களில் இவ்வளவு கேஸ் அவர்களுடைய பார்வையிலிருந்து முடிவு செய்யப் பட்டது என்று ஆண்டு தோறும் ஒரு statistics அனுப்பவேண்டுமாம். அதை வைத்துக்கொண்டுதான் மேலே உள்ள அதிகாரிகள் கீழேயுள்ள நீதிபதிகளின் திறமையை நிர்ணயிப்பார்கள் என்றும், ஆகையினால்தான் அங்குள்ள நீதிபதிகள் அவ்வளவு பொறுமையோடு இல்லாமலும், சாவகாசமாக இல்லாமலும், கேஸ்களை முடிவு செய்தால்போதும், இந்த ஆண்டு 1,000 கேஸ்கள் வந்ததில் 800 கேஸ்கள் முடிவு செய்திருக்கிறோம் என்று தங்களுடைய பெயர்களுக்கு முன்னால் எழுதப்பட்டால் போதும் என்று நினைத்து அவர்கள் அவசர அவசரமாக வேலை செய்கிறார்கள் என்றும் சொன்னார்கள். ஆகவே நீதி சிதறுவதற்கு இடம் இருக்கிறது. மேலேயுள்ள ஹைக்கோர்ட்டு நீதிபதிகள் எவ்வளவு சாவகாசமாக வேலை செய்ய இடம் கொடுக்கப்பட்டிருக்கிறதோ, அது போலவே கீழே உள்ள நீதிபதிகளும் சாவகாசமாக வேலை செய்யுமாறு, வசதிகள் செய்து கொடுக்கப்படவேண்டுமென்று கேட்டுக் கொள்ளுகிறேன்.

“ அதோடு மட்டுமல்லாமல் இவர்களுக்கும், அவர்களுக்கும் சம்பளத்தில் அதிகமான பாகுபாடு இருக்கிறது. ஹைக்கோர்ட்டு ஜட்ஜுகளுக்கு கொடுக்கப்படும் சம்பளம், ஜில்லாவில் இருக்கக்கூடிய நீதிபதிகளுக்கு கொடுக்கப்படவேண்டும் என்று நான் சொல்லவில்லை. முக்கியமாக, சப்-ஜட்ஜுகள் இருக்கிறார்கள் அவர்கள் நிலைமையை எடுத்துக்கொண்டு பார்த்தால், அவர்கள் சாதாரணமாக தங்கள் 32-வது வயதில் டிஸ்டிரிக்டு முன்வீடுகளாக வந்து சேருகிறார்கள். பிற்பாடு தங்களது நடுவயதில் தான் சப்-ஜட்ஜுகளாக வருகிறார்கள். ஆகவே அவர்களில் அனேகப்பேர்களுக்கு டிஸ்டிரிக்டு ஜட்ஜுகளாக வரக்கூடிய சந்தர்ப்பம் ஏற்படுவதில்லை. தவிரவும், அவர்கள் வகிக்கக்கூடிய சப்-ஜட்ஜு பதவிக்கு கொடுக்கக்கூடிய சம்பளமும் போதாது. தங்களுடைய சம்பளத்தை உயர்த்தவேண்டுமென்று பலதடவை நீதி அதிகாரிகள் கூட்டம்போட்டு பேசி, சர்க்காருக்கு விண்ணப்பித்துக்கொண்டதாகவும், அந்த விண்ணப்பம் சரியான முறையில் கவனிக்கப்படாத காரணத்தினால் அவர்களிடையே மனத்தாங்கல் இருந்து கொண்டிருப்பதாகவும் புலப்படுகிறது. அதுமட்டுமல்லாமல் 1938-ம்

[Sri V. Balakrishnan] [18th March 1955]

ஜூலைமீ 2ந்தேதி ஜி.ஓ. நெ. 66, Finance Department மூலம் அவர்களுக்கு கொடுக்கப்பட்டிருந்த சலுகைகள் எடுக்கப்பட்டதாக சொல்லப்படுகிறது. அந்த ஜி.ஓ.-வில், எந்த சப்-ஜட்ஜுக்காவது, அவர் ரிடையர் ஆகும் காலத்தில் 5 வருஷங்கள் குறைவாக Service இருந்தாலும், அந்த 5 வருஷங்களுக்கும் சேர்த்துக்கொண்டு அவர்கள் பூரா பென்ஷன் வாங்குவதற்கு அருகதையுண்டு, என்று சொல்லப்பட்டிருக்கிறது. என்ன காரணத்திற்காக அவர்களுக்குக் கொடுக்கப்பட்டிருந்த அந்தச் சலுகை வாபஸ் வாங்கப்பட்டது என்று தெரியவில்லை. இதன் விளைவாக, 22 வருஷம் சர்வீஸ் செய்தவர்கள் எல்லாம் பூரண பென்ஷன் பெற முடியாமல், மனத்தாங்கலுடன் ரிடையராக வேண்டியிருக்கிறது.

“ நமது ராஜ்யத்தில் சப்-சட்ஜுகளுக்குக் கொடுக்கப்படக்கூடிய சம்பளத்தையும், இதர ராஜ்யங்களில் அவர்களுக்குக் கொடுக்கப்படக்கூடிய சம்பளத்தையும் ஒத்திடுப்பார்த்தால், நமது ராஜ்ய சம்பளம் மிகவும் குறைவாகயிருக்கிறது. Bengal, Bombay, Uttar Pradesh and Bihar போன்ற மாகாணங்களில் சப்-ஜட்ஜுகளுக்கு அதிகப்படியான கிரேடும், சம்பளமும் இருக்கின்றன. ஆனால் இங்கு சம்பளமும் கிரேடும் மிகக் குறைவாக இருக்கிறது. சமீப காலம் வரை டிஸ்டிரிக்டு மாஜிஸ்ட்ரேட்டு cadre-ம் சப்-ஜட்ஜு cadre-ம் தனித்தனியாகப் பிரிக்கப்பட்டு, டிஸ்டிரிக்டு மாஜிஸ்ட்ரேட்டு பதவிக்கு ரூ. 800—50—1,000 ஸ்கேல் கொடுக்கப்பட்டதாகவும், அது ஓரளவுக்கு சௌகரியமாக இருந்ததாகவும், சீனியர் சப்-ஜட்ஜுகள், டிஸ்டிரிக்டு மாஜிஸ்ட்ரேட்டு பதவியைப் பெற்று, அந்தச் சம்பளத்தை அனுபவித்து அதற்குப் பிற்பாடு District and Sessions Judge-ஆகப் போவதற்கு முதற்படியாக இருந்ததாகவும், இந்த ஏற்பாடு திடீரென்று எடுக்கப்பட்டு Sub-Judge and District Magistrate cadre-கள் இரண்டும் interchangeable-ஆக ஏற்படுத்தப்பட்டிருப்பதாகவும் எனக்குத் தெரியவருகிறது. முதலில் கொடுத்த சிறிய சலுகையை ஏன் மறுபடி வாபஸ் வாங்கவேண்டும் என்று எனக்குப் புரியவில்லை. மேற்குறித்த ஏற்பாடே இருந்திருக்கும் பட்சத்தில், உள்ள படியே திறமைசாலிகள், சம்பளம் போதாது என்ற மனத்தாங்கலுடன் இருப்பார்கள், டிஸ்டிரிக்டு மாஜிஸ்ட்ரேட்டு பதவியை பெற்றுவது அதிகப் படியான சம்பளத்தை வாங்கக்கூடிய வசதியிருந்தது. சர்க்காரை அவர்களுக்கு நேரிடையாகச் சம்பளத்தை உயர்த்திக் கொடுக்க முன் வராவிட்டாலும்கூட, இந்தப் பழைய ஏற்பாட்டையாவது மீண்டும் அமுலுக்குகொண்டுவர யோசனை செய்யவேண்டுமாய் கேட்டுக்கொள்ளுகிறேன்.

“ அடுத்தபடியாக நமது சட்டசபை அங்கத்தினர்களில் வக்கீலாக இருப்பவர்கள் பலர் இருக்கின்றனர். அவர்களுடைய பதவிகாலம் வரையில், அதாவது அவர்கள் சட்டசபை அங்கத்தினர்களாக இருக்கும் காலம் வரையில், நீதிஸ்தலங்களுக்கு மட்டும்தான் வக்காலத்துப்பெறவேண்டும், ரெவின்யூ கோர்ட்டு, சர்க்குலேட்டர் கோர்ட்டுகளுக்கு மந்திரிகளுக்கு முன், Governmentக்கு முன் வக்காலத்து வாங்க அனுமதி கிடையாது என்ற ஒரு சட்டம் இயற்றவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன். ஏனென்றால் அவர்கள் இங்கிட்டு சட்டசபை அங்கத்தினர்களாக வருகிறார்கள். நாங்களும் சட்டசபை அங்கத்தினர்களாக வருகிறோம். ஆனால் அவர்கள் சட்டசபை நடக்கும் காலங்களில், சட்ட சபைக்கு வருவதற்கு முன்னால், கட்சிகாரர்களிடம் வக்காலத்து வாங்கிக்கொண்டு இங்கிட்டு வந்து பெயரைப் பதியவைத்துவிட்டு 12½ ரூபாய் வாங்குவதும், மறுபடியும் Board of Revenue, Secretariat முதலிய இடங்களுக்குப் போய் வக்காலத்து வாங்கியவர்களுக்காக வாதாடி, 100 ரூபாய் 200 ரூபாய் fees வாங்குவதுமாக இருக்கிறது. இதைப்பார்க்கும்போது எங்களுக்கு ஆத்திரமாகவும் பொருமையாகவும் இருக்கிறது. அத்துடன், எங்களுக்கு ஆத்திரத்தைத் தருவதுமட்டுமல்லால், நீதி சிதறுவதற்கும் இடம் இருக்கிறது. எப்படியென்றால், இவர்கள் ரெவின்யூ கோர்ட்டு மூலமாகவும், செகரடேரியம் மூலமாகவும் சாதிக்கமுடியாத சில விஷயங்களை, சட்ட சபையில் அவற்றைப் பற்றிச் சட்டங்கள் வரும்போது, பேசி கூட்டில் திணித்து சாதித்து விரகிறார்கள். இதனால் அவர்களுடைய கட்சிக்காரர்களுக்குச் சாதகம் ஏற்படுகிறதே

18th March 1955] [Sri V. Balakrishnan]

தவிர, எதிரி கட்சிக்காரர்களுக்குச் சாதகம் ஏற்படுவதில்லை. ஆனதினாலே இந்த விஷயத்தை சர்க்கார் சீர்தூக்கிப் பார்க்கவேண்டும். சென்னை ராஜ்யம் தான், இதர ராஜ்யங்களுக்கு எல்லா விதத்திலும் வழிகாட்டியாக இருக்கிறது. அது போலவே இந்த விஷயத்திலும் சென்னை ராஜ்யம் வழிகாட்டியாக இருந்து "Lawyers and advocates who are members of the Assembly are prevented from practicing before non-judicial Courts, such as Revenue, Government" என்று சட்டத்தை இயற்றினால் நன்றாக இருக்கும் என்று கேட்டுக்கொள்கிறேன்."

* SRI M. CHINNATHAMBI THEVAR :—" Mr. Deputy 11-35
a.m.
Speaker, Sir, I support the Demands before the House. While doing so, I want to say a few words in appreciation of the work done by the Government. Of course, in the administration of justice, we are following the British method which is supposed to be the best in the judicial world. Our High Court stands pre-eminent in the matter of dispensing justice and our Judges are supposed to be the best in the land. Therefore, the Government should take particular care in maintaining the high tradition and also in seeing that a high state of efficiency is maintained in the working of the High Court.

" Sir, I want that, in spite of the cry for communal justice and communal representation, the best men should adorn the High Court Benches. I for one do not think that communal representation should be carried to each and every department. It is a matter for gratification that the High Court is maintaining its independent status after the attainment of swaraj. Without fear or favour, our High Court is discharging its function very satisfactorily in the matter of interpreting the Constitution and enforcing the various laws existing in the country. Of course, fundamental rights have been guaranteed under the Constitution to every citizen of this land and he can have his grievances redressed in the High Court in the form of writ. Now, we find that very many decisions given by the High Court are against the Government but I am very glad to say that the Government are giving due respect to them. Sometimes when a particular matter involves heavy financial commitment, the Government come forward with suitable amendments to the law to remedy the situation. In my opinion even if it involves heavy commitment in fiscal policy, Government should entirely submit to the decision of the High Court and they should not come forward with amendments to evade or get over the decision.

" Sir, a very salutary reform has been introduced by the Government, namely, the separation of the Judiciary from the Executive. This is a long-wished-for reform. Government first introduced it some years ago and they extended it this year throughout the State. This reform gives independence to subordinate magistrates. Before Independence these magistrates were the handmaids of the bureaucracy and they were carrying on their duties at their behest. It is only now that the people feel that they are free from baseless, wanton and wilful prosecutions.

[Sri M. Chinnathambi Thevar] [18th March 1955]

Even though this reform has been introduced, I would request the Government to create a proper atmosphere so that magistrates can discharge their duties impartially.

“ Sir, I now come to the civil side. We know that due to several causes, the work in the mufassal courts has gone down considerably. There is work only for two hours in a day. In spite of that, the High Court is insisting that certain number of disposals should be made every month by each munsif's court. We know that it will take a long time to dispose of title and land suits as the parties concerned—especially the poor people—may not be ready at every hearing. Therefore, this disposal ‘mania’ should be given up, and the mufassal courts should not be asked to dispose a particular number of cases every month.

11-40
a.m. “ Now I come to recruitment of munsifs. They should be recruited only by the Public Service Commission. This should not be entrusted to the High Court. But recently the High Court has been empowered to appoint munsifs on a temporary basis without referring the matter to the Public Service Commission. About twenty District Munsifs were appointed in this way and after working for two years they were asked to appear before the Public Service Commission and the Commission was asked to regularise their appointments. Such interference should be totally avoided and the Public Service Commission should be given free and unfettered discretion in the matter.

“ Some difficulty is experienced in the matter of the location of Subdivisional Magistrate's courts. I think that every District Munsif should be empowered to try criminal cases within a radius of five miles from his headquarters. This will solve the difficulty to some extent.

“ With these words, I close my speech and I thank you, Sir, for the opportunity given to me to speak.”

11-41
a.m. *SRI N. SIVARAJ :— “ கனம் உதவி சபாநாயகர் அவர்களே, இந்த மான்யத்திற்குக் கொண்டு வரப்பட்டிருக்கும் வெட்டுப் பிரேரணையை ஆதரித்துச் சில வார்த்தைகளைப் பேச ஆசைப்படுகிறேன். கனம் அங்கத்தினர்கள் குறைந்த செலவில் நீதி வழங்கப்படவேண்டும் என்று கூறி வருகிறார்கள். ஆனால் சட்டபகாலத்தில் தஞ்சை ஜில்லாவில் அப்படி நடந்து வரவில்லை. தஞ்சை ஜில்லாவிற்குப் பண்ணையாள் பாதுகாப்புச் சட்டம் கொண்டு வந்து அது இப்பொழுது அமுலில் இருக்கிறது. அந்தச் சட்டம் வந்தபோது விவசாயிகள் மறைப் போட்டால் கட்டணம் ஒரு ரூபாய் தான் கட்டவேண்டும் என்று இருந்தது. இப்பொழுது அதை மாற்றி கட்டணம் ரூ. 1½யும் அத்துடன் மைலுக்கு இரண்டரை வீதம் மைலேஜ் வேறு கட்டவேண்டும் என்றும் சொல்லுகிறார்கள். ஏழை விவசாயிகளுக்கு இது மிகவும் கஷ்டமாக இருக்கிறது. ஏழை விவசாயிகளுக்கு வருஷம் ஒன்றுக்கு அறுபது ரூபாய் தான் வருமானம் வரலாம். இந்த அறுபது ரூபாயை வைத்துக்கொண்டு அவன் கோர்ட்டுக்கு போவதென்றால் அதுவும் 15 அல்லது 20 மைல்கள் தூரத்திற்குப் போவதென்றால் அவர்களால் முடியவில்லை. அத்துடன் அவர்கள் சாட்சிகளை நேற்று படி கட்டிக் கூட்டிக் கொண்டு போக வேண்டியதாக இருக்கிறது. இவ்விதம் ஒரு கேஸ் நடப்பதற்குள் நாலேந்து தடவைகள் போக வேண்டியதாக இருக்கிறது. இப்படி அவன் போய் வந்தால் அவனுடைய வருமானத்தை வைத்துக்கொண்டு

18th March 1955]

[Sri N. Sivaraj]

கேஸ் நடத்த முடியுமா என்பதை அரசாங்கம் கவனிக்கவேண்டும். ஆகையால் பழையபடி இருந்தபடியே கட்டணம் கட்டவேண்டும் என்று விதி செய்ய வேண்டும் என்று கேட்டுக்கொள்ளுகிறேன். முன்பு சட்டத்தில் இருந்தது போல் மனுவுக்கு ஒரு ரூபாய் ஸ்டாம்பு கட்டினால் போதும் என்று இருக்கவேண்டும். இந்த நிலைமையில் அரசாங்கம் கணக்கில் எடுத்துக்கொண்டு ஜனங்களுக்குச் சொளகர்யம் செய்ய வேண்டும் என்று கேட்டுக்கொள்ளுகின்றேன். இது சம்பந்தமாக அனேக மஜர்கள் கொடுக்கப்பட்டிருக்கின்றன. கனம் மந்திரி அவர்கள் அவைகளை பரிசீலனை செய்து ஏழைகளுக்கு குறைந்த செலவில் நீதி வழங்குவதற்கு ஏற்பாடு செய்யவேண்டும் என்று கேட்டுக்கொள்ளுகிறேன்.

“அடுத்தபடியாக சப்-ஜெயில் சம்பந்தமாகப் பேசும்போது சப்-ஜெயில் கனில் சுகாதாரம் மிகவும் குறைவாக இருக்கிறது. இதை கவனிக்க வேண்டியது முக்கியமான விஷயம். அங்குள்ள கட்டடங்கள் பழைய காலத்தில் கட்டப்பட்ட கட்டடங்களாகவேதான் இருக்கின்றன. இதைப்பற்றி ஆளும் கட்சியாருக்கு நன்கு தெரியும். சப்-ஜெயிலின் நிலைமை எப்படி என்பது அவர்களுக்கு நன்றாகத் தெரியும். மற்றும் அங்கு தண்ணீர் வசதி குறைவாக இருக்கிறது. மற்றும் சுகாதார நிலைமை மிகவும் மோசமாக இருக்கிறது. அவைகளை மாற்றி அமைக்க வேண்டியது அவசியமாக இருக்கிறது. அங்கு சீர்திருத்தம் செய்து இப்பொழுது இருக்கும் நிலைமையை மாற்றி அமைக்க வேண்டும் என்று கேட்டுக்கொள்ளுகிறேன்.

“பெரோல் விஷயமாகச் சொல்லும்போது ஜெயில் சீர்திருத்தக் கமிட்டி சில சிபாரிசுகளைக் கொடுத்திருக்கிறார்கள். அவைகளும் இப்பொழுது வெளியாகி இருக்கிறது. அவைகளை அமுலுக்குக் கொண்டு வரவேண்டும் என்றும் கேட்டுக்கொள்ளுகிறேன். நீண்ட கால கைதிகள் ஜெயிலில் பெரோலில் அனுப்புவதற்குவேண்டிய அதிகாரத்தை ஜெயில் சூப்பரண்டண்டுக்குக் கொடுக்கவேண்டும் என்று சர்க்காரை நான் கேட்டுக் கொள்ளுகிறேன். சைதிகளை அவர்களுடைய குடும்பத்தார் வந்து பார்க்கவேண்டும் என்று சொல்லும்போது கைதிகளின் குடும்பத்தார்களை பக்கத்தில் உட்கார வைத்து விட்டு கைதிகள் வரவழைத்து பேசச் சொல்லுகிறார்கள். அவர்கள் தங்களுடன் கொண்டு வரக்கூடிய குழந்தைகளை பக்கத்தில் வைத்துக்கொண்டு கம்பி வலைகளுக்குப் பக்கமாக நின்று பேச வேண்டியிருக்கிறது. அப்பொழுது அந்த குடும்பத்தார்கள் தங்களை ஒரு ஜெயிலில் அடைத்து வைக்கப்பட்டிருப்பதுபோல் அவர்கள் கருதுகிறார்கள். ஆகவே குழந்தை குட்டிகளையும், மனைவியாரையும் பக்கத்தில் உட்காரவைத்து பேச வசதி செய்து கொடுக்கவேண்டும். இதனால் கைதிகள் திருந்துவதற்கும் வசதி ஏற்படும் என்பதை இந்தச் சந்தர்ப்பத்தில் சொல்லிக்கொள்ளவிரும்புகிறேன்.

“அடுத்தபடியாக ஜெயிலில் உள்ள கீழ்த்தர சிப்பந்திகளைப்பற்றி கொஞ்சம் சொல்ல வேண்டியதாக இருக்கிறது. அங்குள்ள கீழ்த்தர சிப்பந்திகளும், வார்டர்களும் மிகவும் பரிதாபகரமான நிலைமையில் இருக்கிறார்கள். கைதிகளுக்கு செலவு செய்வதற்கு என்று ஒரு நாளைக்கு 12 அணு ஒதுக்கப்பட்டிருந்தாலும் அந்தப் பூரா பணமும் கைதிகளுக்குச் செலவு செய்யப்பட்டாலும், அங்குள்ள பெரும்பாலான பொருள்களை இந்த வார்டர்களும் கீழ்த்தர சிப்பந்திகளும் எடுத்துக்கொள்ளுகிறார்கள். ஏனென்றால் அவர்களுடைய நிலைமை அவ்வளவு மோசமாக இருக்கிறது. இன்னும் சில விஷயங்கள்கூட எனக்கு நேரடியாகத்தெரியும். கைதிகளுக்குக் கொடுக்கப்படும் சாதத்தைக் கூட இந்த வார்டர்கள் தங்களுடைய தொப்பிகளில் வைத்துக்கொண்டு தங்களுடைய குடும்பத்திற்கு எடுத்துக் கொண்டு போய் விடுகிறார்கள். இந்த நிலைமையைப் பார்த்தால் ரொம்பவும் பரிதாபகரமாக இருக்கிறது. அதனால் அங்குள்ள கீழ்த்தர சிப்பந்திகளுடைய நிலைமையையும் வார்டர்களுடைய நிலைமையையும் உயர்த்துவதற்கு அவர்களுக்குத் தகுந்த படிப்பணம் கொடுக்க வேண்டும் என்று கேட்டுக்கொள்ளுகிறேன். கைதிகளுக்குக் கொடுக்கப்படும் பணம் அவர்களுக்

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“നീതിന്യായം രാജ്യത്തിലെ ഏറ്റവും പ്രധാനപ്പെട്ട ഒരു വകുപ്പാണ്. ഇര നാട്ടിലെ സാധാരണജനങ്ങൾക്കു നീതി കിട്ടാനുള്ള ഒരു വകുപ്പാണിത്. എന്നാൽ ഇന്നു കേരളത്തിൽ പോയി നീതി സമ്പാദിക്കുകയെന്നുള്ളത് സാധാരണക്കാരെ സംബന്ധിച്ചിടത്തോളം അസാദ്ധ്യമായ ഒരു കാര്യമാണ്. കോടതിയിൽ ഒരു കേസുകൊടുത്താലുണ്ടാകുന്ന ചെലവും, കാലതാമസം, മറ്റു ക്ലേശങ്ങൾ ഇവയെല്ലാം ആലോചിച്ചാൽ കോടതിയിൽ പോകാൻതന്നെ സാധാരണക്കാർ ഭയപ്പെടും. ക്രിമിനൽ കേസുകളുടെ എണ്ണം വളരെ ചുരുങ്ങിയിട്ടുണ്ടെന്നു വെച്ചാണപ്പോൾ മന്ത്രി പറയുകയുണ്ടായി. അത് നമുക്കു ഓർമ്മാനുകൂല്യമാണ്. ക്രിമിനൽ കേസുകൾ കുറയുന്നതിന്നു പല കാരണങ്ങളുമുള്ള കൂട്ടത്തിൽ ഒന്നു സാധാരണജനങ്ങൾ ക്രിമിനൽ കോടതികളിൽ ഒരു ആക്ഷേപം കൊടുക്കാൻതന്നെ ഭയപ്പെടുന്നവെന്നുള്ളതാണ്. ക്രിമിനൽ കോടതികളിൽ ഒരു ആക്ഷേപം കൊടുത്താൽ തെളിവെടുക്കുന്നതിനും തീർപ്പാക്കുന്നതിനുമുള്ള കാലതാമസം, പണച്ചെലവും ബുദ്ധിമുട്ട് ഇവയെല്ലാം കാരണം ആളുകൾ കോടതിയിൽ പോകാതെ കഴിക്കുകയാണ്. കേസുകൾ കുറയുന്നതിനുള്ള ഒരു പ്രധാന കാരണം അതാണെന്നാണ് ഞാൻ വിചാരിക്കുന്നത്. നീതിന്യായം സാധാരണജനങ്ങളുടെ കൈക്കു എത്തത്തക്ക വിധത്തിൽ ചില പരിവർത്തനങ്ങളും പരിഷ്കാരങ്ങളും വരുത്തേണ്ടിരിക്കുന്നു. ഞാൻ ഒരു നിയമജ്ഞനല്ലെങ്കിലും, ഒരു സാധാരണക്കാരൻ എന്ന നിലയിൽ എനിക്കു അന്നേനത് ആളുകൾക്കു അധികം ബുദ്ധിമുട്ടുകൂടാതെ നീതിയും ന്യായവും ലഭിക്കണമെങ്കിൽ, കോടതികൾ ഗ്രാമങ്ങളിൽചെന്നു കേസുകൾ വിചാരണചെയ്യാനുള്ള ഏർപ്പാടുണ്ടായിരിക്കണമെന്നാണ്. ചെറിയ കേസുകൾ കേട്ടു തീർപ്പ് കല്പിക്കുന്നതിനുള്ള അധികാരം പഞ്ചായത്തുകൾക്കു കൊടുത്തിട്ടുണ്ട്. നീതിന്യായപരിപാലനത്തിന്റെ ചുമതല പഞ്ചായത്തുമേന്മാർഡുകൾ പോലുള്ള സ്ഥാപനങ്ങൾക്കു വിട്ടുകൊടുക്കുന്നത് ശരിയല്ലെന്നു അഭിപ്രായമാണ് എനിക്കുള്ളത്. വ്യക്തികളെ സംബന്ധിച്ചുള്ള കേസുകളായിരിക്കും പഞ്ചായത്തു മേന്മാറിന്റെ തീർപ്പിന്നു വരുന്നത്. അതരം കേസുകൾ പഞ്ചായത്തു മേന്മാർഡുകൾ കൈകാര്യം ചെയ്യാൻ ശരിയാവുകയില്ല. നീതിന്യായ പദ്ധതിക്കു ചുമതല കോടതികളിൽതന്നെ നിഷ്കലക്ഷമായിരിക്കേണ്ടതാണ്. ഭരണം വികേന്ദ്രീകരിക്കണമെന്ന അഭിപ്രായക്കാരൻ്റെ ഞാൻ. എങ്കിലും നീതിന്യായപരിപാലനത്തിന്റെ ചുമതല പഞ്ചായത്തുകൾക്കു വിട്ടുകൊടുക്കുന്നതിന്നു ഞാൻ അനുകൂലമല്ല. ഓടുകിയുള്ളതെങ്കിലും പഞ്ചായത്തു കളെ ഏല്പിക്കാം. വ്യക്തികളെ സംബന്ധിക്കുന്ന കേസുകൾ രീതിമാനിക്കുന്ന കാര്യമായാൽ പഞ്ചായത്തുമേന്മാർഡുകളെ ഏല്പിക്കുവതന്നെയാണ് എനിക്കു പറയാനുള്ളത്. ജനങ്ങൾക്കു നീതി ലഭിക്കണമെങ്കിൽ നീതി ന്യായകോടതികൾതന്നെ കേസ് കേൾക്കണം. അതുപോലെതന്നെ കോടതികൾ ഗ്രാമപ്രദേശങ്ങളിലേക്കു നീങ്ങേണ്ടതു് അ വശ്യമാണ്. അതേപരമായ ജനങ്ങൾക്കു കേസ് നടത്താനുള്ള ചെലവ് വലിപ്പകുറവുമുള്ളത്. ന്യായം മാത്രം നടത്തിയാൽ പോരും. നീതിയുൾക്കൂട നടത്തണം. അതാതു പ്രദേശങ്ങളിൽ ചെന്നു ജനങ്ങൾക്കു സൗകര്യമായ വിധത്തിൽ കേസ് കേട്ടാലേ നീതി ലഭിക്കുകയുള്ളൂ.

18th March 1955]

[Sri V. Sankaranarayana Menon]

ക്രിമിനൽ കേസുകളുടെ എണ്ണം കുറഞ്ഞു കുറവുമാകാൻ കുറഞ്ഞുകൊണ്ടല്ല, കോടതികളിൽ വേരുകൾ ജനങ്ങൾക്കുള്ള ഭയംകൊണ്ടുകൂടിയാണെന്നു ഞാൻ നേരത്തെ പറഞ്ഞല്ലോ. അതിനൊരു പരിഹാരമുണ്ടാകേണ്ടിയിരിക്കുന്നു. ഞാൻ ഇപ്പറഞ്ഞതെല്ലാം എത്രമാത്രം പ്രായോഗികമാകുമെന്ന കാര്യം ഗവണ്മെന്റ് പരിശോധിക്കുമെന്ന വിശ്വാസിക്കുന്നു.

“ക്രിമിനൽ കേസുകൾ റിപ്പോർട്ട് ചെയ്യുകയില്ലാത്ത എത്രയും വേഗത്തിൽ അന്വേഷണം നടത്തണം. അതിന്നു ഒരു പ്രത്യേക വിഭാഗം ഉണ്ടായിരിക്കുന്നതു നല്ലതാണ്. ഇപ്പോൾ കേസുകൾ റിപ്പോർട്ട് ചെയ്യുകയില്ലാത്ത വളരെ വൈകിയിട്ടാണ് സ്ഥലത്തു വന്നു അന്വേഷണം നടത്തുന്നത്. പെട്ടെന്നു അന്വേഷണം നടത്തിയോർ കിട്ടാത്ത രെളിവുകളൊന്നും കാലതാമസം വന്നാൽ കിട്ടുകയില്ല, സത്യം വെളിപ്പെടുകയുമില്ല. പല കാരണങ്ങളാലും ഒടുവിൽ കേസ് രെളിവില്ലാതെ പോകും. അതുകൊണ്ട് കേസു അന്വേഷണത്തിന്നു മാത്രമായി ഒരു പ്രത്യേക വിഭാഗം തന്നെ ഉണ്ടായിരിക്കേണ്ടെന്നായിരിക്കും. എങ്കിൽ കാലതാമസംകൂടാതെ അന്വേഷണം നടത്താനുള്ള സൗകര്യം ഉണ്ടായിരിക്കും. ഒരു കേസ് റിപ്പോർട്ട് ചെയ്യുകയില്ലാത്ത 24 മണിക്കൂറിനകംതന്നെ അന്വേഷണം നടത്തി രെളിവു ശേഖരിക്കണം. അതു ചെയ്യുകയില്ലാത്ത മറ്റു നടപടികൾക്കു അപ്പം സമയമെടുത്താലും തരക്കേടില്ല. അന്വേഷണവും രെളിയും പൂർത്തിയായിരുന്നാൽ കേസ് നേരെ നടത്താൻ സാധിക്കും. കുറ്റം ചെയ്യുന്നതു് ഒരാളായിരിക്കും, ശിക്ഷ കിട്ടുന്നതു് മീലപ്പോൾ മറ്റെൊരാൾക്കായിരിക്കും. ഇന്നു കള്ളസ്സാക്ഷികൾ ധാരാളമുണ്ട്. അതിന്നു ഈ നടപടികൾ ഒരു പരിഹാരമായിവരും.

“എന്റെ നിയോജകമണ്ഡലത്തെ സംബന്ധിച്ച രണ്ടുവാക്കുകൂടി പറഞ്ഞുകൊണ്ട് ഞാൻ അവസാനിപ്പിച്ചുകൊള്ളാം. പട്ടാമ്പിയിൽ മുപ്പ് ഒരു മുൻസിഫ് കോടതി ഉണ്ടായിരുന്നു. അവിടെ ധാരാളം കേസുകളും ഉണ്ടായിരുന്നു. എന്നിട്ടും കേസ് കുറവെന്ന കാരണം പറഞ്ഞ് അതു നിർത്തപ്പെട്ടു. അതുകൊണ്ട് അന്നാട്ടിലെ ആളുകൾക്കു വളരെ ബുദ്ധിമുട്ടായിട്ടുണ്ട്. പട്ടാമ്പിയിൽ ഒരു കോടതി വളരെ അത്യാവശ്യമാണ്. ജനങ്ങൾക്കു അനേകമുട്ടമായ അകലത്തിൽ കോടതികളുണ്ടായിരുന്നാലും ജനങ്ങൾക്കു നീതി ലഭിക്കുകയില്ല. സൗകര്യമായി അടുത്തു കോടതികളുണ്ടെങ്കിലെ നീതി ലഭിക്കും. പട്ടാമ്പിയിൽ മുപ്പുണ്ടായിരുന്ന കോടതി അവിടെ വീണ്ടും സ്ഥാപിക്കണമെന്നു ഞാൻ അഭ്യർത്ഥിക്കുന്നു. അതിനെ സംബന്ധിച്ച ബുദ്ധിമുട്ടെല്ലാമുണ്ടായാലും മറ്റും നാട്ടുകാർ നിവേദനങ്ങൾ സമർപ്പിച്ചിട്ടുണ്ട്. പട്ടാമ്പിയിൽ മുപ്പുണ്ടായിരുന്ന ആ കോടതി വീണ്ടും സ്ഥാപിച്ചുവെന്നുവെന്നു അപേക്ഷിച്ചുകൊണ്ട് ഞാൻ അവസാനിപ്പിച്ചുകൊള്ളുന്നു.”

* SRI P. SELVARAJ :—“Mr. Deputy Speaker, Sir, while speaking on the Demand for Justice, I want to justify the policy of the Government. In accordance with the Directive Principles of State Policy contained in the Constitution, our State has taken steps to separate the Judiciary from the Executive. This was started some three years ago and a Committee was appointed to go into the working of the system. The Committee was of opinion that the judiciary was working well. Now, this year the entire Judiciary has been separated from the Executive. It has often been said that as a result of the Judiciary and the Executive being combined together, justice was not meted out to the people. The Police were influencing the magistracy in convicting persons. With the advent of the separation of the Judiciary, there is an independent judiciary and we can be sure that full justice can be had. A common charge levelled against the courts is that we do not get justice at the time we need it. In other words, justice is always delayed and is protracted. Since there is no ready-made formula to come to a conclusion or to find out whether a particular client is speaking the truth or not, the court has necessarily

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[Sri P. Selvaraj] [18th March 1955]

to observe some formalities and this is bound to take some time. In olden days it was said that courts are sacrosanct places and that the clients who go there must go with clean hands in order to get full justice from courts. But modern litigation is complicated and people resort to courts even for trivial charges. In their enthusiasm, they do not put forth their case in an honest manner and without exaggeration. Therefore, the court has to go through all the documents and papers to come to a right conclusion.

“Regarding the grievances of the members of the Judicial department, I wish to impress upon the Government that Judicial officers should be provided with residential quarters. It has been the policy of the Government to provide residential quarters for the officers working in various other departments and this should be done especially in the case of the officers of the Judicial department. If a Judicial officer is to be independent, he must lead a sort of secluded life. Of course, he can mingle with the public in clubs and social functions. At the same time, they must have a sort of secluded life. If an officer transferred to a particular place is not able to get a house, he has to approach a landlord or a rich man of the locality to provide him with a house. The officer is naturally bound to be under obligation to the rich man or the landlord. This will prevent the officer from administering justice in a free and impartial manner. I would therefore request the Government to draw up a scheme for the construction of quarters for Judicial officers both in the City as well as in the mufassal.

12 noon “Coming to jails, I would like to say a few words. Of late, there is so much talk that reformation should be brought in the jail administration and that convicts should not be treated as convicts but as patients or persons suffering from psychological defects and distinction should be made between heinous crimes and petty crimes. In the matter of giving punishments to these prisoners, I am one of those who believe that deterrent punishments should be given. In many cases, convicts after their release from jail commit the same offences for which they were originally convicted. In some instances, convicts as soon as they are released return to their villages and take revenge against those people who are responsible for their conviction and imprisonment. The Discharged Prisoners' Aid Society whose function is to look after ex-convicts is at present not able to do its duty properly because it has not been receiving sufficient encouragement from the Government. Useful crafts also must be taught to the prisoners while in jail so that they may be usefully employed after release from jail. Prisoners must be made to work compulsorily in jails so that Government also may derive some revenue out of the sale of products produced by these convicts. With these words, I support the Demands.”

SRI V. MADANAGOPAL :—“கனம் உதவி சபாநாயகர் அவர்களே, இன்றையதினம் நீதி ஸ்தலங்களில் நீதி வழங்கும்போது அவைகளை தாய் மொழியில் வழங்கினால் அதைப் புரிந்துகொண்டு நடவடிக்கை

18th March 1955] [Sri V. Madanagopal]

எடுத்துக்கொள்வதற்கு செளகர்யமாக இருக்கும். நீதி ஸ்தலங்களில் நடப்பதும் நடவடிக்கைகளும் தாய் மொழியில் நடந்தால்தான் அங்கு நடக்கும் விவகாரங்களைச் சம்பந்தப்பட்டவர்களால் புரிந்து கொள்ளமுடியும்.

“ஒவ்வொரு இலாகாவிற்கும் விரிவான ரிப்போர்ட்டுகள் வருஷ முடிவில் கொடுக்கப்படுகிறது. அதைப்போலவே நீதி இலாகாவிலும் கொடுக்கப்பட்டால் செளகர்யமாக இருக்கும். மற்ற டிபார்ட்மெண்ட்களில் ரிப்போர்ட்டுகள் வருவதுபோல் இங்கும் வருகிறது. ஆனால் அவைகளில் குற்றங்களைப்பற்றிதான் வருகிறது. பிற்பட்ட குற்றங்கள் சம்பந்தமாக இவ்வளவு கேஸ்கள் வருகின்றன என்று சொல்லப்படுகிறது. கடன் நிவாரணம் அளித்த பிறகு எவ்வளவு குற்றங்கள் வருகின்றன. மற்ற கீழ்த்தர குற்றங்கள் சம்பந்தமாக எவ்வளவு கேஸ்கள் வருகின்றன என்பனவற்றையெல்லாம் பரிசீலனை செய்து அதற்குத்தக்கபடி நடவடிக்கை எடுத்துக்கொள்ள வேண்டும். கடன் நிவாரணம் சம்பந்தமாக இப்பொழுது அநேகம் கேஸ்கள் வருகின்றன. அவைகளை கணக்கில் எடுத்துக்கொண்டு அவைகளுக்கு கட்டணத்தைக் குறைக்கவேண்டும்.

“அந்த இலாகாவின் கீழ் இருக்கும் இலாகாக்களில் லஞ்சம் ஊழல்கள் இருக்கின்றன. அதனால் பல வழக்குகள் முடிவாவதற்கு 1 அல்லது 2 வருஷங்களாகின்றன. பல செல்வாக்குள்ளவர்களும் பணம் படைத்தவர்களும் தீலையிடுவதனால் பல கேஸ்கள் மூடப்படுகின்றன. இந்த நிலைமையில் மதுரை ஜில்லாவில் ஒன்று நடந்திருக்கிறது. மதுரை ஜில்லாவில் ஒரு டிபுடி ரிஜிஸ்தரார் பேரிலும் பழநி தாலுகாவில் ஒரு தாசிஸ்தார் பேரிலும் குறிப்பாக கேஸ் நடந்துவருகிறது. அந்தக் கேஸ் இரண்டு வருஷங்களாக நடந்து வருகிறது. பல பொதுஜனங்களை சாட்சியாக விசாரித்தும் இது வரையில் அந்தக் கேஸ் முடிவாகவில்லை. காலம் கடத்தி வருகிறார்கள். அவைகளையெல்லாம் சர்க்கார் தலையிட்டு தவிர்க்கப்படவேண்டும். கீழ் கோர்ட்டுகளில் கேஸ்கள் நடந்தால் அங்கு செல்வாக்குள்ளவர்களும், பணம் படைத்தவர்களும் தலையிடுவதால் அந்தக் கேஸ்கள் தள்ளுபடி செய்யப்படுகின்றன. தவறுதலாக தீர்ப்புகள்கூட கொடுக்கப்படுகின்றன. இவைகளைத் தடுப்பதற்கு சர்க்கார் முயற்சி எடுத்துக் கொள்ளவேண்டும்.

“கைதிகளை கோர்ட்டுக்கு அழைத்துச் செல்லும்போது அவர்களை மிகவும் கொடுமைப்படுத்துகிறார்கள். கைதிகள் போலீஸ் கஸ்டடியில் 24 மணி நேரத்திற்கு மேல் வைத்துக்கொள்ளக்கூடாது என்று விதி இருந்தும் கைதிகளை 10 நாள் 8 நாள் லாக்காபில் வைத்துக்கொள்ளுகிறார்கள். கோர்ட்டுக்கு கைதிகள் விசாரணைக்கு வந்த பிறகும் அவர்களை லாக்காப்பில் வைத்துக்கொள்வதும் அதாவது 10 அல்லது 8 நாட்கள் போலீஸ் கஸ்டடியில் வைத்துக்கொள்வது என்பதும் கைதிகளுக்கு கொடுமைப்படுத்துவதாக ஆகிறது. இதை தவிர்க்கவேண்டும்.

“ஜெயிலில் இருக்கக்கூடிய கைதிகளுக்கு ஒரு நாள் சாப்பாட்டிற்கு 12 அண்படி கொடுக்கப்படுகிறது. மத்திய சர்க்கார் வைத்திருக்கக்கூடிய ரயில்வே காண்டின்களில்கூட ஒரு வேளை சாப்பாட்டிற்கு 10 அண்படி வாங்குகிறார்கள். அப்படி நிலைமை இருக்கும்போது கைதிகளுக்கு இரண்டு வேளைக்கும் 12 அண்படி என்று சொல்வது சரியாக இல்லை. அதனால் கைதிகளுக்குக் கொடுக்கப்படும் படிப்பணத்தை உயர்த்தவேண்டும்.

“அடுத்தபடியாக ஜெயில் சம்பந்தமாகப் பேசும்போது அங்குள்ள விஷயங்களை பரிசீலனை செய்யவேண்டியதாக இருக்கிறது. அதைச் சர்க்கார் மிகவும் அனுதாபத்துடன் பரிசீலனை செய்யவேண்டும். நம்மாகாணத்தில் சிலர் அரசியல் கைதிகளாகவும் சிலர் ஜன்ம தண்டனை அடைந்த கைதிகளாகவும் இருக்கிறார்கள். இதைத் தவிர குற்றங்களை செய்ததற்காக பலர் தண்டனை அடைந்திருக்கிறார்கள். கிரிமினல் குற்றங்கள் முதலிய குற்றங்களுக்குத் தண்டிக்கப்பட்டிருக்கிறார்கள். அவர்களுடைய தண்டனையை நிறைவேற்றுவதில் சர்க்கார் முக்கியமாக சில விஷயங்களைக் கவனிக்கவேண்டும்.

[Sri V. Madanagopal]

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“இன்றைக்கு மதுரை ஜில்லாவிலுள்ள, தமிழ் நாட்டில் இருக்கக்கூடிய சில இளைஞர்கள் ஜன்மக் கைதிகளாக இருக்கிறார்கள். பத்திரிக்கையின் மூலம், எல்லோரும் அறிந்திருக்கலாம், கம்யூனிஸ்ட் கட்சியைச் சேர்ந்த பாலதண்டாயுதம் அவர்கள் தற்போது சிறையில் ஆயுள் தண்டனையை அனுபவித்து வருகிறார்கள். அவர் மேல் குற்றம் சாட்டப்பட்டு, அவரைக் கைது செய்வதற்கு ஆறு மாதத்திற்கு முன்பாகத்தான் திருமணம் செய்து கொண்டார்கள். இது ஒன்று அல்ல, இம்மாதிரி ஜெயிலுள்ள பல இளைஞர்கள் திருமணம் ஆனவர்கள். இப்படி இவர்கள் ஜன்மதண்டனை அனுபவிப்பதால், அவர்கள் மணந்துகொண்ட பெண்களும் ஜன்ம தண்டனை விட்டிலேயே அனுபவிக்கவேண்டியதாக இருக்கிறது. இவ்விஷயத்தில் மத்திய சர்க்காருக்குச் சிபார்சு செய்து, மனிதாபிமானம் கொண்ட கொள்கை, சர்க்கார் இவர்கள் விஷயத்தில் கையாளவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்.

“அடுத்தபடியாக, ஜெயிலானது, குற்றம்புரிபவர்களை, கைதிகளை நடத்தையில் திருத்துவதற்கும், பயமுறுத்துவதற்கும் ஏற்பட்டிருக்கிறதென்று சொல்லப்படுகிறது. ஜெயில், கைதிகளைத் தனி அறையில் பூட்டிவைத்து அடைப்பது மட்டும், அவர்களைப் பயமுறுத்துவதற்குப் போதுமானது. கைதிகளைத் திருத்தக்கூடிய நல்ல நடவடிக்கைகளை ஜெயில் சம்பந்தமாக எடுக்கவேண்டும். கைதிகளுக்கு ஜெயிலில் பீடி, சுருட்டு, பொடி இவைகளைக் கொடுப்பதில்லை. இவைகளை அவர்கள் ஏற்கனவே உபயோகப்படுத்தி பழக்கப்பட்டிருப்பதால், இவைகள் இல்லாமல் அக் கைதிகள் கஷ்டப்படுகிறார்கள். இவைகளை, அவர்களுக்குக் கொடுப்பதால் எந்தவிதமான ஆபத்தும் வந்துவிடாது. ஆகவே, அவைகளை கைதிகளுக்கு ஜெயிலில் கொடுக்க ஏற்பாடு செய்யவேண்டும். இன்றைக்கு முரட்டுத்தனமானவர்கள் மனிதத் தன்மை அடைவதற்கு, கலை என்ற சக்தி மிகவும் உபயோகப்படுவதாகச் சொல்லுகிறார்கள். சென்ட்ரல் ஜெயில் போன்ற ஜெயில்களில், சங்கீதம், அல்லது இதர ஆபாசமான வேடிக்கைக் கலைகள், கைதிகளுக்கு அனுபவித்துப் பார்க்க வசதிகள் கொடுக்கும்படி, கேட்டல்வேலை. தொழில் விஷயங்கள் மற்றும் சாதாரண பாட்டுகள், இவைகளைக்கொண்ட சினிமாப் படங்களை ஜெயிலுக்குள் கைதிகளுக்குக் காட்ட வசதிகளை செய்ய வேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்.”

SRI O. KORAN :—“Sir, the Treasury Benches are empty.”

DEPUTY SPEAKER :—“The Hon. Minister will be coming just now.”

SRI R. KRISHNAN :—“ஒரு மலையாள மந்திரி அங்கே உட்காரவைக்கக் கூடாது ?”

SRI M. KALYANASUNDARAM :—“The Hon. Minister in charge of Jails has just now gone out promising to come back within a minute or two. Therefore, the absence of Ministers on the Treasury Benches need not be taken seriously.”

* SRI P. RANGASWAMI REDDIAR :—“Deputy Speaker, Sir, years back, there was a king by name Solomon. He was a wise king and also a good judge. Two women delivered each a child. Inadvertently one woman overfed the child and it died. She took the dead child at dead of night and placed it by the side of the other woman and took away the live child that was sleeping by her side. Both the women next day complained to the king. King Solomon wisely asked a sword to be brought and ordered that the live child be cut into two pieces and given each a half. By thus ordering, he found out the real truth. We also know the story of Manu Needhi Cholar, who did not hesitate to drive the car over the body of his own son when he found that the latter had

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killed a calf by running the car over it. We cannot expect the same amount of earnestness, anxiety and honesty on the part of our judges. But still, we can expect to have judges of high integrity. There is a widespread belief that owing to lack of enthusiasm of judges a large number of cases are pending in courts throughout the State and that cases are not disposed of quickly and that clients are put to great inconvenience and expenditure.

“ This should be enquired into and if necessary by appointing a committee, Government should try to find out ways to expedite the disposal of the cases. Annually or periodically District Judges and High Court Judges come and inspect the work of the Subordinate courts. But unfortunately, the inspection is confined to signing some statistical report or statement in printed form prepared by the head clerks or sarishtadars, sent in advance; they do not do real inspection; they do not go through some judgments of the Subordinate courts; they do not take real statistics of pendency of suits and applications. They should carefully scrutinize all these things and if necessary the Judges should meet the members of the Bar and discuss about the necessary reforms and changes required, both in the administration of justice and also in the disposal of cases. It would expedite matters to a great extent. 12-10 P.m.

“ Recently, after the separation of judiciary from the executive, in Tiruchirappalli district, so far as the Musiri taluk is concerned, for the entire taluk of two divisions, there is only one Subdivisional Magistrate; a man from Kattuputtur has to go many miles to the Subdivisional Magistrate's Court at Ariyalur. Musiri is the Headquarters of the taluk. I think in due course more courts would be established, so that justice may be within easy reach of the people. In Turiyur, for the past 75 years, there was a Sub-Magistrate's Court; this was abolished and people have made representations to the Government to re-establish the Court and I think in due course, seeing the heavy work at Musiri, the Court would be re-established at Turiyur.

“ Incidentally, I wish to suggest that in all Taluk Headquarters and Sub-Taluk Headquarters, Magistrate Courts may be established, thus relieving the people of great inconvenience in travelling a long way. In a conference of Judicial Officers at the Indian Officers' Association, they passed a resolution asking to provide for quarters to judicial officers. It is high time that the Government paid earnest and urgent attention to provide quarters to them, so that they may not be put to the necessity of living in the quarters belonging to private persons. In many cases, they have to live in houses belonging to persons actually practising before them thus causing much embarrassment to both.

“ In the High Court, there is a heavy pendency of writ petitions. All of us know that a large number of writ petitions are filed now-a-days before the High Court. It is high time that the Government abolishes the Original Side, both on the civil side and on the criminal side. Just as we have District and Sessions Courts

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in mufassal, so also a District and Sessions Court may be established in Madras. If necessary even two such courts may be established. I think that would relieve the High Court of a large volume of work so that there may be enough time at their disposal for more important matters.

“People apprehend that the proposed Court Fees Act may work a great hardship upon them. There is a proposal to raise the court fees by three times. I think by the time the Court Fees Bill comes before this House, the Government may decide that the original rates of court fees may be retained; and the Government may consider this question again, because the litigant public apprehends very great hardship to them. In many cases, costs are not recovered, not to speak of the recovery of the decree amount. This should be borne in mind.

“In making promotions to judicial posts, I wish to point out one thing. Recently, some 10 days back, I saw in the newspapers that six High Court Judges were dismissed one fine morning in Soviet Russia. That is the state of affairs obtaining elsewhere . . . (The Hon. Finance Minister: ‘Not High Court Judges, but Supreme Court Judges.’) But here, a few days back, the Hon. Minister for Law in answer to an interpellation said that even though perverse judgments are pronounced, such judges are not seriously dealt with and no action is taken against them. But only there was one case known to him where drastic action was taken against the judge and he was dismissed or removed from service. But it should be the Appellate authority that should deal with such cases. The Appellate authority is there only for revising the judgment of the lower courts, but they should also function more or less as supervising authority; if they find any judge giving perverse judgment, action should be taken against him or they should recommend to the Government for taking action, so that justice will surely be rendered.”

12-15
p.m.

SRI M. KALYANASUNDARAM:—“கனம் உதவி சபாநாயகர் அவர்களே, இந்த இரண்டு மானியங்களையும் சேர்த்து விவாதிப்பதிலே ஒரு சங்கடம் இருக்கிறது. இது மிகமுக்கியமான பிரச்சனை, அதற்கு விவரமாக விவாதிக்க அவகாசம் இல்லாமல் இருக்கிறது. இருந்தாலும் நாம் பட்ஜெட் துரிதமாக முடிக்கவேண்டியதாக இருப்பதால், அவ்வளவுதான் விவாதிக்கமுடியும். இந்த விவாதத்திற்காக இரண்டு மணிநேரம் தான் கொடுக்கப்பட்டிருக்கிறது. இதிலே, நீதி மலிவாக ஏழைகளுக்கும், தொழிலாளர், விவசாயிகளுக்கும் கிடைக்கவேண்டுமென்பதைப்பற்றி பல அங்கத்தினர்கள் வற்புறுத்தினார்கள். நம் நிதி மந்திரி அவர்கள் காலையில் பேசும்போது, இப்போது இருக்கும், சட்டத்தைத்தான் அமல் நடத்துகிறார்கள், சட்டத்தின்மீது குறைபாடு இருக்கலாம், ஆனால் சட்டத்தை அமல் நடத்துவது போலீசார் கடமையாகும் என்று சொன்னார்கள் வாஸ்தவம் தான். அதேபோல், சட்டத்தினால் கிடைக்கும் அற்ப பலன்களையும், மக்கள் நல்ல முறையில் அனுபவிக்க, சர்க்கார் வசதிசெய்து கொடுக்கவேண்டுமென்று கனம் நிதி மந்திரியார் அவர்களுக்குச் சொல்லுகிறேன். தற்போது பணக்காரனாக இருந்தால், முதலாளியாக இருந்தால் சட்டத்தின் பலன் பூராவும் பெறமுடியும். ஏழைகள், தொழிலாளர்கள், விவசாயிகள், இந்தச் சட்டத்தின்பலனை, நலனை பெறமுடியாமல் எமாற்றப்பட்டு, அவர்களுக்கு எவ்வித பாதுகாப்புமில்லாத நிலைமையில் இருக்கிறார்கள். அத

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னால் பலதகராறுகள் ஏற்பட்டிருக்கிறதென்பதை விசாரித்துப் பார்த்தால் தெரியவரும். ஆகவே நீதி மலிவாக இருந்தால்தான், சட்டத்தின் கீழ் விவசாயிகள், பாமரமக்கள் பலன் அடையமுடியுமென்று சொல்லிக் கொண்டு, குறிப்பாக கிரிமினல் வழக்குகளில் குற்றம் சாட்டப்பட்டவர்களுக்கு சகல வசதிகளும், கொடுத்து, நியாயம், அதிக செலவில்லாமல், கிடைக்கும்படி செய்து சர்க்காருடைய பொறுப்பு என்பதை எடுத்துக்காட்ட விரும்புகிறேன். அப்போதுதான் சாதாரண விவசாயிகள் தொழிலாளர்கள் மீது போடப்படும் குற்றச்சாட்டுகளிலிருந்து அவர்களுக்கு சரியான முறையில் பாதுகாப்புமுடியும் என்பதையும் உணரவேண்டும். கோர்ட்டு செலவுகள் அதிகமாக இருந்தால் அவர்கள் சட்டத்தின் பலனை சரியாக அனுபவிக்க முடிவதில்லை. மில் முதலாளிகள், நிலப்பிரபுக்கள் நம் சமூகத்தில் இருக்கிறார்கள் அவர்கள் மனோபாவம் மாறிவிட்டதாக நிதி மந்திரி கூறவருவார்கள் என்று நான் நினைக்கவில்லை. தாங்கள் நிர்வாகத்திலுள்ள, அதிகாரிகள் எல்லோருடைய மனோபாவமும் மாறிவிட்டதாக செல்லமுடியாது என்று நிதி அமைச்சர் அவர்கள் காலையில் ஒப்புக்கொண்டார்கள். ஆகவே, சமூகவிரோத சக்திகள், இன்னும் மனமாறுதல் அடையாமல்தான் இருக்கிறார்கள் என்று அகிறது. சட்டத்தின் மூலம் உள்ள பலன்களை, மற்ற சாதாரண மக்கள், ஏழை ஜனங்கள், விவசாயி தொழிலாளர்கள், அனுபவிக்கமுடியாமல் செய்யவும், மறைமுகமாக தங்களை சட்டத்தின்பிடிப்பிலிருந்து பாதுகாத்துக் கொள்ளவும், இஜ்ஜை விரோத சக்திகள் கோர்ட்டுகளை தூண்டிவிட்டு வேலை செய்கின்றன. எனக்கு அதிகநேரம் இல்லாததால், இதைப்பற்றிய விவரங்களை விஸ்தாரமாக சொல்லாமலிருக்கவேண்டியதாக இருக்கிறது. ஆகவே, சாதாரண தொழிலாளிகள், விவசாயிகள், ஏழைகள் எல்லாம் நிலப்பிரபுக்கள், முதலாளிகள், இவர்களிடமிருந்து கிரிமினல், மற்ற வழக்குகளில், தங்களை பாதுகாத்துக்கொள்ள, வழக்குகளில் சம்பந்தப்பட்டவர்களுக்கு இலவசமாக, வழக்குகளின் எல்லா தஸ்தாவேஜைகள், பெற உரிமை இருக்கவேண்டுமென்று வற்புறுத்துகிறேன். அதேபோல்தான் court-fees விஷயமும். Court-fees விஷயமாக, அந்த மானியம் வரும்போது பேசுநேரிருக்குமென்று நினைக்கிறேன். அப்போது அதைப்பற்றி பேசுகிறேன்.

“அடுத்தாற்போல், சிறைகளைப்பற்றி சிலவார்த்தைகள் சொல்ல ஆசைப்படுகிறேன். சிறை, போலீஸ், இவைகள் எல்லாம் கூடாதென்று நாங்கள் கூறவில்லை. அவைகள் பொதுஜனங்களுக்கு உபயோகமான முறையில் இருக்கவேண்டுமென தவிர, ஒரு வர்க்கத்தாருடைய நலன்களுக்காக, பாதுகாப்புக்காக, அதே சமயத்தில் மற்றவர்களை அடக்குவதற்காக அவைகள் இருக்கக்கூடாதென்பதுதான் எங்களுடைய நோக்கம். இந்த நிர்வாகங்களை அடியோடு ஒழித்துவிடவேண்டுமென்று சொல்லவில்லை. ஜெயில் நிர்வாகம், வெள்ளைக்காரன் காலத்தில் ஒரு குறிப்பிட்ட நோக்கத்துடன் நடந்தது. இப்போது சதந்திரம் அடைந்துவிட்டோம். இப்போது குற்றங்கள் குறைந்தாலும், சென்ற வருஷத்தைவிட குறைந்திருப்பதாகச் சொல்லப்படுகிறது. இருந்தாலும் பொருளாதார சூழ்நிலையில் பிராமாதமான மாறுதல் எதுவும் ஏற்படவில்லை. வேலையில்லாத திண்டாட்டம் காரணமாக, பொருளாதார சூழ்நிலையின் காரணமாக, குற்றங்கள் பெருகிக்கொண்டுதான் வருகின்றன என்பதை அமைச்சர் அவர்கள் ஒப்புக்கொண்டார்கள். அப்படி இருக்கும் போது, சிறை எப்படி இருக்கவேண்டும்? சிறைக்குச் செல்லுபவர்கள், மாறி திரும்பி அதிலிருந்து வரும்போது நல்ல பிரஜையாக, சமூக சேவை செய்யக்கூடியவர்களாக திரும்பிவரவேண்டும். அப்படி அவர்களை மாறும்படி செய்ய, நாம் என்ன நடவடிக்கை எடுத்திருக்கிறோம் என்பதை கனம் நிதி மந்திரி அவர்கள் யோசனை செய்து பார்க்கவேண்டும். அப்படிப் பார்த்தால், எந்தவிதமான நடவடிக்கையும் சர்க்கார் எடுக்கவில்லை என்று சொல்லுவதே பொருத்தமாக இருக்கும். சிறை சீர்திருத்தக் கமிட்டி சிபார்சுகள் செய்திருக்கின்றனர். அவைகளில் முக்கியம் அல்லாத சிலவற்றில்தான் கவனம் செலுத்தப்பட்டிருக்கிறது. அச்சிபார்சுகளை நடைமுறையில் கொண்டுவர முயற்சிகள் எடுக்கப்படவில்லை. கனம் மந்திரி அவர்கள், அவைகளை நடைமுறைக்குக்கொண்டுவர பொருளாதாரம் தேவை என்று சொல்லலாம். அக்கமிட்டி, அச்சிபார்சுகளை, சிறையில் வரும்

[Sri M. Kalyanasundaram] [18th March 1955]

வருமானத்தைக் கொண்டு, நிறைவேற்றலாம் என்று சொல்லியிருக்கிறது. அப்படி சொல்லியிருப்பதைக் கூர்ந்து ஆலோசனை செய்து பார்க்கவேண்டும். இப்போது சிறையில் சிலபொருள்கள் உற்பத்தி செய்யப்படுகின்றன. ஒரு காலத்தில், சுயநலத்தின் காரணமாக, முதலாளிகள், சிறையில் எந்த விதமான பொருளும், உற்பத்தி செய்யக்கூடாது என்று சொன்னார்கள் அப்படி எல்லாம் இப்போது யாரும் சொல்லமுன் வரமாட்டார்கள், சொல்லவும் முடியாது. இப்போது சர்க்கார், தொழில் எடுத்து நடத்தும்போது, சிறையில் இருப்பவர்கள் உபயோககரமான தொழிலில் ஈடுபடவேண்டுமென்பதில் அபிப்பிராயப்போதும் இருக்கமுடியாது சர்க்காருக்கு. அப்படி நடத்தும் தொழில் என்ன நிலைமையில் இருக்கிறது பாருங்கள். சர்க்கார் கிட்டத்தட்ட 19 லட்சம் ரூபாய் மூலப்போருள்கள் இத்தொழிலுக்காக வாங்குகிறார்கள். மரம், தோல், நூல், இப்படிப்பட்ட பல பொருள்கள் வாங்கி அவைகளைப் பலவேறு உபயோகப் பொருள்களாக, அதாவது ஆஸ்பத்திரி, துணி, ஜமக்காளம், கம்பளி, செருப்பு, மேஜை நாற்காலி, போன்ற பொருள்களாகச் செய்து, விற்பனை செய்து, அந்த விற்பனையால், வருமானம், லாபம் அடைகிறார்கள். வருமானம் 23 லட்சம் என்று நினைக்கிறேன். கனம் நிதி மந்திரி அவர்கள் 32 லட்சம் என்று சொல்லுகிறார்கள். கணக்கில் 55-56 கணக்கில், 23 லட்சம் என்று போட்டு இருந்ததாக ரூபகம். 1955-56-க்கு, 19 லட்சம் ரூபாய் மூலப்போருள் வாங்க ஒதுக்கப்பட்டிருக்கிறது. இதிலிருந்து 5 லட்சம்தான் லாபமாக நான் பார்த்தமட்டில் வருமென்று சொல்லப்பட்டிருக்கிறது. இந்த லாபத் தொகை எவ்வளவு குறைவாக இருக்கிறது பாருங்கள். தனிப்பட்ட முதலாளிகள், 19 லட்ச ரூபாய் ஒரு தொழிலில் ஈடுபடுத்தினால், 5 லட்சம் ரூபாய்தான் லாபமாக எதிர்பார்ப்பார்களா? ஏன் லாபம் இப்படி கொஞ்சமாக இருக்கிறது என்பதைப்பற்றி யோசித்துப் பார்க்கவேண்டும். சிறைகளில் தொழிலாளர்களுக்குக் கூலிகிடையாது. போனஸ் கிடையாது. வீட்டு வசதி கிடையாது. அதெல்லாம் இதில் சேர்க்கப்படவில்லை.”

12-23 P.M. THE HON. SRI C. SUBRAMANIAM :—“Value is assessed for the daily labour also. It is only on that basis the property is dealt with.”

SRI M. KALYANASUNDARAM :—“அதோடு 10 சதவிகிதம் சேர்க்கப்பட்டு விலை நிர்ணயிக்கப்பட்டிருக்கிறதென்பது எனக்கு நன்றாகத் தெரியும். அப்படியிருந்தும் இன்னும் அதிக லாபகரமாக நடத்த முடியும் என்பது எனது அபிப்பிராயம். சிறைகளில் நடைபெறும் உற்பத்திகளில் ஏதோ திருட்டு நடைபெறுகிறது. இந்த ஓட்டை அடைக்கப் படவேண்டும்.”

“குறிப்பாக குற்றவாளிகளை சிறைக்கு அனுப்புகிற நோக்கம் சிறையிலிருந்து திரும்பி வரும்பொழுது அவர்களுடைய மனப்பான்மையில் நல்ல மாறுதல் இருக்கவேண்டுமென்பதற்காகத்தான். ஆனால் இன்றைக்கு அதற்கு மாறாக மேலும் பலவிதமான குற்றங்களைச் செய்ய பலமுறைகளைக் கற்றுக்கொள்ளத்தான் சிறைகளில் சந்தர்ப்பம் அதிகம். நான் சமீபகாலம் வரையில் சிறையில் இருந்திருக்கிறேன். ஆகவே அது விஷயம் நன்றாக எனக்குத் தெரியும். சிறை நிர்வாகத்தில் எல்லாத் துறைகளிலும் இன்றைய தினம் பல திருட்டுகள் நடைபெற்று வருகின்றன. மிக மிக மோசமான நிர்வாகமாக இருப்பதினால் நிறைய திருட்டுகள் நடக்கின்றன என்று சொன்னால் அதையாரும் மறுக்க முடியாது. அந்த சமாசாரம் பூராவும் சர்க்காருடைய கவனத்திற்கு வருவதே கிடையாது. ஜனங்களுடைய பொது சொத்து இப்படி மிக அதிகமாகத் திருடப்பட்டு வருவதை நாம் அனுமதித்துக் கொண்டிருக்க முடியாது.”

“சர்க்காருக்கு நான் ஏற்கெனவேயே எப்படி எப்படி எங்கெங்கே என்னென்ன விதமான திருட்டுகள் நடைபெற்று வருகின்றன என்பதற்குப் புள்ளி விவரத்தோடு ரிப்போர்ட் அனுப்பியிருக்கிறேன். அப்பொழுது ஸ்ரீ குட்டி கிருஷ்ண நாயர் ஜெயில் மந்திரியாக இருந்தார். அதைப்பற்றி அவர் ஒரு விசாரணையும் நடத்தினார் என்பது எனக்குத் தெரியும். அதனால்

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ஏற்பட்ட பலன் என்ன என்றும் சபையினர் கவனிக்கவேண்டும். யார் யார் இப்படித் திருடினார்களோ அவர்கள் பேரில் எந்தவிதமான நடவடிக்கையும் எடுக்கப்படவில்லை. அதற்குப் பதிலாக என் வீட்டைச் சுற்றியும், என்னுடைய நண்பர்கள் வீட்டைச் சுற்றியும் தான் ஸ்பெஷல் பிராஞ்சு போலீஸார்களைப் போட்டார்கள். எதற்காக என்றால் என்னுடன் தொடர்பு வைத்துக்கொண்டு, இந்த ரகசியங்களை எனக்குக் கொடுக்கும் சிறை சிப்பந்திகளை கண்டுபிடித்து அவர்கள் மீது தக்க நடவடிக்கை எடுப்பதற்கே. இப்படி சர்க்காரே செய்யச் சொன்னார்களானால் சிறை அதிகாரிகளுக்குக் குளிர் விட்டுப் போகிறது. தாங்கள் செய்யக்கூடிய திருட்டு சமாசாரம் சர்க்காருக்குத் தெரிந்துவிட்டால் தங்கள் பேரில் கடுமையான நடவடிக்கை எடுத்துக் கொண்டு விடுவார்களோ என்கின்ற பயம் அவர்களுக்கு இருந்தால் அவர்கள் இம்மாதிரியாகச் செய்யமாட்டார்கள். அதைவிட்டு அவர்கள் திருடினார்கள் என்கின்ற சமாசாரத்தை யார் சொல்லுகிறார்களோ அவர்கள் பேரில் நடவடிக்கை எடுக்க இந்த அரசாங்கம் ஏற்பாடு செய்தால் அவர்கள் இன்னும் துணிச்சலாகத்தான் தங்கள் வேலையைச் செய்ய ஆரம்பிக்கிறார்கள்.

“என்னோடு தொடர்பு கொண்டவர்களின் பேரில் நடவடிக்கை எடுக்க சர்க்கார் என் வீட்டைச் சுற்றிலும், என் நண்பர்களுடைய வீடுகளைச் சுற்றிலும் ஸ்பெஷல் பிராஞ்சு போலீஸார்களைப் போட்டார்கள் என்கின்ற தகவல் எனக்குத் தெரிந்த பின்னர், என்னிடம் அந்த இடத்தில் திருட்டு நடக்கிறது, இந்த இடத்தில் திருட்டு நடக்கிறதென்று யாராவது இன்பர்மேஷன் சொல்ல வந்தார்கள் என்றாலும் கூட, ‘அப்பா தயவு செய்து என்னிடம் இதெல்லாம் சொல்லாதீர்கள். ஏனென்றால் எந்த இடத்தில் எக்கேடு கெட்டாவது போகட்டும். என்னால் உங்களுக்குப் பாதுகாப்புக் கொடுக்க முடியாது’ என்று சொல்லி திருப்பி அனுப்பிவிடுகிறேன். சர்க்காருக்கு அதுபற்றிய விஷயம் எதுவுமே தெரிவிப்பதும் கிடையாது. ஆகவே தான் கனம் மந்திரி அவர்களுக்கு ஒரு விஷயத்தைச் சொல்ல விரும்புகிறேன். குறிப்பாக அவர்கள் சிறை நிர்வாகம் ஒழங்காக நடைபெறவேண்டுமென்று விரும்பினால், சிறை சிப்பந்திகள் கம்யூனிஸ்டுகளுடன் தொடர்பு கொண்டிருக்கிறார்களா என்பதை ஆராய்வதை கைவிட்டு, சொல்லப்படும் குற்றச் சாட்டுகளைப் பரிசீலனை செய்து குற்றமுள்ள அதிகாரிகள் மீது நடவடிக்கை எடுக்கவேண்டும். இல்லாவிட்டால் ஊழல் முன்பு இருந்ததைவிட இன்னும் அதிகமாக மலிந்துதான் போகும். சிறை அதிகாரிகளும், ‘நாங்கள் அந்த கம்யூனிஸ்டுக் கட்சியைச் சேர்ந்தவர்கள் பேரில் நடவடிக்கை எடுத்தோம். அதற்காகத்தான் இப்படி அவர்கள் எங்கள்பேரில் புகார் சொல்லுகிறார்கள்’, என்பதாகப் பதில் சொல்லிவிட்டு மேலும் மேலும் மிகத் துணிவாகத் திருட்டுக்காரியங்களில் ஈடுபட்டுக் கொண்டிருக்கிறார்கள். இதைவிட்டு எந்தச் சிறையிலாவது திருட்டு நடக்கிறதென்கிற விஷயத்தை சர்க்காருக்கு யாராவது கொடுத்தால் அதைப்பற்றி விசாரனை செய்து அந்தத் திருட்டைச் செய்து வருகிற சிறை அதிகாரிகளில் பேரில் கடுமையான நடவடிக்கை எடுக்கவேண்டும். அப்பொழுதே லஞ்சம் திருட்டு போன்றவற்றைக் குறைக்க முடியுமெனச் சர்க்காருக்கு நான் தெரியப்படுத்த விரும்புகிறேன்.

“மேலும் சிறை நிர்வாகத்தில் இருக்கக்கூடிய சிப்பந்திகளின் நிலைமையையும் கொஞ்சம் சிந்திக்கவேண்டும். சிறை சீர்திருத்தக் கமிட்டியார் செய்திருக்கக்கூடிய சிபார்சுகளை உடனடியாக அமுல் செய்யவேண்டும். இன்றைக்கு அவர்கள் 14 மணி நேரம் வேலை செய்து வருகிறார்கள். அவர்களுடைய வாழ்க்கைத் தரத்தை உயர்த்தி, வேலை நேரத்தைக் குறைத்து, நல்ல திறமையான முறையில் அவர்கள் வேலை செய்ய வழிவகுக்க சர்க்கார் நடவடிக்கை எடுத்துக்கொள்ளவேண்டுமென்று கேட்டுக் கொள்ளுகிறேன்.

“சிறையில் இருக்கக்கூடிய கைதிகள் எல்லாம் சமுதாயத்தில் கலந்து உறவாட தகுதியற்ற முறையில் பல குற்றங்களைப் பண்ணியவர்கள் என்று காலையில் கனம் மந்திரி அவர்கள் சொன்னார்கள். அவர்களுடைய அனுபவம் ஒருவிதம். சிறையில் இருக்கக்கூடிய கைதிகளில் வேறு ஒரு பகுதியினரும் இருக்கிறார்கள். அரசியல் கைதிகளான கம்யூனிஸ்டுக் கட்சிக்

[Sri M. Kalyanasundaram]

[18th March 1955]

கைதிகளிடம் ஒருவிதமான கண்ணோட்டம் இருக்கவேண்டும் சர்க்காருக்கு. ஆனால் காலையில் பேசும்போது கம்யூனிஸ்டுக் கட்சி பலாத்காரத்தைத் தூண்டும் வகையில் பல காரியங்களைச் செய்திருப்பதாகச் சொன்னார்கள்.”

THE HON. SRI C. SUBRAMANIAM :—“என்கரேஜ்”, பண்ணுவதாகச் சொன்னேன்.”

SRI M. KALYANASUNDARAM :—“அப்படியே இருந்தாலும் கனம் மந்திரி அவர்கள் அப்படிச் சொல்வது சரியல்ல. இன்றைய தினம் கம்யூனிஸ்டுக் கட்சி ஆக்கபூர்வமான எதிர்ப்பு வேலையைச் செய்து வருகின்றது. கம்யூனிஸ்ட் கட்சி ஆளும் கட்சிக்கு எதிர்க்கட்சியாக இருந்த போதிலும் நாட்டின் முன்னேற்றம் சம்பந்தப்பட்டவரையில் கம்யூனிஸ்டுக் கட்சியின் நடவடிக்கைகள் மிகவும் ஆக்கபூர்வமானவை. அதற்குப் பரிபூரண சந்தர்ப்பம் கொடுக்கவேண்டியது இந்த நாட்டை ஆளுகின்ற மெஜாரிட்டி கட்சியின் பொறுப்பாகும். அதைவிட்டு பலாத்காரத்தைத் தூண்டி விடுவதாகச் சொல்லி அதன்பேரில் அவதூறுகளை எழுப்பிவிடுவது சரியல்ல. ஆக்க பூர்வமான எதிர்ப்பு இந்த நாட்டில் இருக்கவேண்டியது ரொம்பவும் அவசியமாகும்.”

THE HON. SRI C. SUBRAMANIAM :—“I was not referring to the present policy of the Communist Party. I was referring to their past policy. As a matter of fact, I referred to the policy of the Congress also which had led to the deterioration in law and order situation. I did not confine myself to criticism of the Communist Party only. I even pointed out that even the policy adopted by Mahatmaji had contributed to the deterioration to a certain extent. Therefore, I do not think the hon. Member can accuse me by saying that I wanted to particularise a certain party for this purpose.”

SRI M. KALYANASUNDARAM :—“கனம் நிதி மந்திரி அவர்கள் தன்னுடைய கருத்தை தெளிவுபடுத்தியதற்காக நான் சந்தோஷப்படுகிறேன். முன்பு கம்யூனிஸ்டுக் கட்சி எந்தவகையில் நடந்துகொண்டது என்கின்ற விவாதத்தில் நான் இப்போழுது இறங்கவில்லை. முன்பு அவர்கள் செய்த காரியங்கள் எல்லாம் நியாயமென்று வாதிடப்பதற்கோ அல்லது அதைக் கண்டிப்பதற்கோ நான் தயாராயில்லை. இன்றைக்கு இந்த நாட்டில் கம்யூனிஸ்டுக் கட்சி ஆக்கபூர்வமான எதிர்ப்பு வேலையைச் செய்து வருகின்றது என்பதை கனம் நிதி மந்திரி அவர்களே ஒப்புக்கொண்டிருக்கிறார்கள். நிர்வாகம் நல்ல திறம்படி இயங்கவேண்டுமென்றால் நாட்டில் ஆக்க பூர்வமான எதிர்ப்பு இருக்கவேண்டும். இருப்பதற்கு வேண்டிய வசதியையும், சூழ்நிலையையும் மெஜாரிட்டி கட்சியினர், அல்லது ஆட்சியில் இருப்பவர்கள் ஏற்படுத்திக் கொடுக்கவேண்டும். இன்றையதினம் கம்யூனிஸ்டுக் கட்சியைச் சேர்ந்தவர்கள், அந்தக் கட்சியினுடைய கொள்கைக்காகப் போராடியவர்கள் பலர் சிறையில் இருந்து கொண்டிருக்கிறார்கள். கம்யூனிஸ்டுக் கட்சியின் கொள்கையை சர்க்கார் ஒத்துக்கொள்ளுகிறதா இல்லையா என்பது பிரச்சனையல்ல. கொள்கை ஒன்றை அடிப்படையாகக் கொண்டு அவர்கள் ஆக்கபூர்வமாக எதிர்ப்பு வேலையைச் செய்து கொண்டிருக்கிறார்கள் என்பதை சர்க்காரே ஒப்புக்கொள்ளுகிறது. ஆகவே அந்தக் கட்சியின் கொள்கைக்காகவே போராடி சிறையில் இருக்கக்கூடியவர்கள் இன்றையதினம் சிறையிலிருந்து விடுவிக்கப்பட்டால் அவர்கள் அவர்களுடைய கட்சி என்ன வேலை செய்துகொண்டிருக்கிறதோ அதே பணியில் முழுமூச்சுடன் வேலை செய்வார்கள். கட்சிக்காக தியாகம் செய்து சிறை சென்றார்கள். கட்சி வகுக்கும் கொள்கையை உறுதியாகக் கடைப்பிடிப்பார்கள். ஆகவே இன்றைக்கு சிறையில் இருக்கக்கூடிய கம்யூனிஸ்டுக் கட்சியைச் சேர்ந்த அரசியல் கைதிகள் விடுவிக்கப்பட்டால் அவர்கள் வெளியிலே வந்து அந்தக் கட்சியைச் சேர்ந்த மற்றவர்களைப்போலவே தேச முன்னேற்றத்திற்காகவும், மக்களுடைய நன்மைக்காகவும் ஆக்க

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[Sri M. Kalyanasundaram]

பூர்வமான வேலைகளைச் செய்வார்கள் என்பதில் யாருக்கும் சந்தேகம் இருக்க முடியாது. கம்யூனிஸ்டுக் கட்சியும் அவர்களுடைய உதவியினால் இன்னும் நல்லமுறையில் ஆக்கபூர்வமான எதிர்ப்பு வேலையில் சிறந்த முறையில் பணியாற்ற முடியும். ஆகவே சிறையில் வாடிக்கொண்டிருக்கிற கம்யூனிஸ்டுக் கட்சியைச் சேர்ந்த கைதிகளை உடனடியாக சிறையிலிருந்து விடுவிக்க தக்க நடவடிக்கை எடுத்துக்கொள்ளவேண்டுமென்று கணம் மந்திரி அவர்களைக் கேட்டுக்கொள்ளுகிறேன்.

“கம்யூனிஸ்டுக் கட்சியின் ‘ஐடியாலஜி’ ஐப்பற்றி சர்க்கார் கருத்து எதுவாக வேண்டுமானாலும் இருக்கலாம். அதை சர்க்கார் ஒப்புக்கொள்ளா விட்டாலும் பரவாயில்லை. அந்த ‘ஐடியாலஜி’, நாட்டில் வளர்ந்துள்ள தால் தான் பல முக்கிய மாறுதல்கள் ஏற்பட்டுள்ளது.

“குறிப்பாக ஆவடி காங்கிரஸைப் போல ஒரு பெரிய காங்கிரஸ் எங்கள் கட்சியால் நடத்த முடியவில்லையே என நாங்கள் பொருமைப்படவில்லை. ஆவடி காங்கிரஸில் நிறைவேற்றியிருக்கக்கூடிய தீர்மானமே, அதாவது சோஷலிஸ அடிப்படையில் சமுதாயத்தை அமைக்கவேண்டுமென்கிற தீர்மானமே கம்யூனிஸ்டு கட்சியின் வெற்றி என்று நான் கருதுகிறேன். காங்கிரஸ் மகாசபையே அத்தகைய தீர்மானத்தை நிறைவேற்றக்கூடிய வகையில் எங்கள் கட்சியினர் அந்தக் கொள்கையை நாட்டில் பரப்பிய தற்காக நாங்கள் சந்தோஷமே படுகிறோம். சிப்டத்தப் 26, 26 வருஷங்க ளாக எங்கள் கட்சி விட்டாமல் பணி புரிந்து வந்திருக்கிறதன் காரணமாக விவசாயிகள் தொழிலாளர்கள் இயக்கம் வளர்ந்து முற்போக்கான கருத்து கள் நாட்டு மக்களிடையே வேருன்றிவிட்டன. அதுதான் காங்கிரஸ் அவ்வப் போது தங்கள் தீர்மானத்தை மாற்றுவதற்கு காரணமாகவும் இருந்து வந்துள்ளது என்பதைத்தான் அந்தத் தீர்மானம் எடுத்துக் காட்டுகிறது. எப்படியாவது மக்களுக்கு நன்மை செய்யவேண்டுமென்பது தான் எங்கள் நோக்கம். அந்த நன்மையை காங்கிரஸ்காரர்களே செய்ய முன்வந்தாலும் எங்களுக்கு ஆட்சேபணை இல்லை.”

“கம்யூனிஸ்டுக் கட்சிமீது பகைமை காட்டுவதினால் நாட்டுக்கு நன்மை ஏற்படாது. சர்க்கார் நல்லமுறையில் இயங்கவேண்டுமென்றால் ஆக்கபூர்வ மான எதிர்ப்பு வேலையில் ஈடுபட்டிருக்கிற கம்யூனிஸ்டுக் கட்சியும் நல்ல முறையில் பணியாற்ற மெஜாரிட்டி கட்சியார் சந்தர்ப்பமளிக்கவேண்டும். திறமை மிக்க ஊழியர்கள் பலர் இன்றைக்கு சிறையில் இருக்கிறார்கள். ஆகவே இனியும் அரசியல் விரோதம் காட்டாமல் கம்யூனிஸ்டுக் கைதிகளை எல்லாம் உடனடியாக சிறையிலிருந்து விடுவிக்கவேண்டுமென்று கேட்டுக் கொண்டு என் பேச்சை முடித்துக்கொள்ளுகிறேன்.”

* THE HON. SRI C. SUBRAMANIAM :—“ Mr. Deputy 12-30
Speaker, Sir, at the outset, may I congratulate the hon. the Deputy a.m.
Leader of the Opposition on his very able advocacy on behalf of his comrades who are now in jail? I am sure that he will agree that in this respect the Government have been adopting a generous policy and that a large number of prisoners have already been released. But with reference to certain prisoners, in view of the seriousness of the crimes involved, we are rather hesitant to release them not simply because they belong to a particular party. That is why after having released certain prisoners, we had to cry halt to that process. There is no question of reversion of the policy. But the question is, ‘Can we ignore the seriousness of the crimes simply because they were committed by members belonging to a particular party?’ They were not even committed with a particular political motive. In certain cases they happen to belong to a certain political party. I do not think that that should be taken into

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consideration and order wholesale release of prisoners. But I may assure the hon. Members belonging to the Communist Party that this question will be considered by the Government always in a sympathetic manner and not in a spirit of opposition to the Communist Party as such. As the hon. Member Sri Kalyanasundaram said that the adoption of the policy of establishing a socialistic pattern of society by the Congress was a success for them, may I also, not in a way of retorting, claim that the adoption of this policy of constitutional opposition by the Communist Party is a success for the Congress? I suppose he will give us that credit at least. Therefore, on the whole, what we are interested in is that all of us should co-operate with each other, pull together and try to build up a better, more prosperous and happier society so that the common man may be better off in our country. In that attempt, I may assure the hon. Members, especially the members of the Communist Party, that this Government would always welcome the co-operation of the Members of the Communist Party, the Praja Socialist Party and all other parties which have got a real programme for the upliftment of the people of the country. Therefore the hon. Members need not be under the impression that we have a prejudice against the Communist Party as such. We claim the members of the Communist Party of India as our own brethren. Our only appeal to them is that they should co-operate with us fully. Now that they see a change of attitude, according to them, in the Congress also, they should also change their attitude and give their wholehearted co-operation to us. I was really pained to see paper reports in which the Chief Minister of a certain neighbouring State stated that there was going to be a change of attitude in the Communist Party. I hope it is merely a speculation and a wrong speculation at that. I would always welcome the co-operation, particularly, of the very sincere and able workers of the Communist Party in building up a new India. My only appeal to them has been not that they should change their ideology but that they should give up their methods of violence. In that respect also there is a change in the attitude of the Communist Party. I would only request them to pursue that path still further and if they do that, I assure them that they will get full response which they expect. With that assurance, I may tell the hon. the Deputy Leader of the Opposition that as far as the question of release of the Communist prisoners in the various jails is concerned, that would always be sympathetically considered. Simply because we are unable to come to a decision that we should release all the prisoners belonging to the Communist Party, it should not be taken as a reflection of our attitude towards the programme which the Communist Party is just now adopting in the country.

“ Now, naturally enough, when these two demands were clubbed together, greater emphasis and importance was given to the administration of justice. It has got to be so because in the Government of a country the administration and dispensation of justice plays a very important part and for that purpose in the set-up of our country, it is necessary to have an independent, impartial and

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efficient judiciary. That has been guaranteed in the Constitution and in pursuance of that guarantee, the functions of the judiciary and the executive have now been separated. It is not as if there was no such separation before now. As a matter of fact, the civil judiciary was completely separate from the executive and even in respect of criminal jurisdiction, from the Sessions Court onwards it was completely independent of the executive. It was only the lower magistracy that could be said to be dependent, to a certain extent, on the executive. Even the lower magistracy had a certain amount of freedom. But even that link between the Executive and the Judiciary, we thought, was not quite congenial for the dispensation of impartial justice and for creating a sense of confidence in the public. That was why we took the step of separating the Executive from the Judiciary. We may congratulate ourselves on taking this step early. We have completed that process of separation. I am sure the hon. Members would agree with me that the separation has worked well. Some people feared that it might lead to deterioration. But it has not led to any such deleterious consequences. On the whole, it has worked well and I am sure that it will improve as time goes on.

“ It is not merely the separation which makes the judiciary efficient. We should have persons recruited to that service who would be in a position to act impartially and efficiently. We have got to see that also. We are now trying to recruit directly from the Bar as far as possible even though we have reserved a certain percentage for persons who have been working in the subordinate service of the Judicial Department. That reservation is also necessary to give them certain encouragement. Therefore, we are trying to ensure conditions wherein persons with sufficient qualification and equipment would offer themselves for appointment in the Judicial service and the scheme has been working fairly well. That is the claim that I would make in respect of this matter. I am sure with the separation of the Judiciary from the Executive, confidence would be created in the public that even as against the State, the ordinary citizen would get justice in the hands of the Judiciary. I have no doubt that every hon. Member of this House will be proud of the fact that our Judiciary from the Supreme Court and the High Court down to the Sessions Court and other subordinate courts, has attained a high standard and let us hope that we would further improve matters so that it is not merely a question of paying tribute for ourselves but everybody would also feel that here is an efficient and impartial judiciary functioning in this State. 12-40 P.m.

“ Then, reference was made to the rendering of justice at a very cheap cost. I do agree that especially in a country where there are very poor people, it is necessary that they should get justice at as low a cost as possible. We have to consider two aspects in this matter. One is criminal justice and the other is civil justice. As far as criminal justice is concerned, when a person is injured or when an offence has been committed against a certain person, the entire expenditure connected with it is borne

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by the State. The State is the Prosecutor and therefore on behalf of the injured person whether he is rich or poor or whether he is the biggest landlord or a small ryot, the prosecution is launched against the criminal with all the zeal by the State. I do not think that that fact can be denied by anybody. I do agree that due to various circumstances in the process of investigation—not merely due to faulty investigation on the part of the police but also due to factious spirit prevailing in certain areas—that certain innocent persons who are really not guilty are brought to the dock and they become accused in certain cases. If they happen to be poor people, should not they have some legal assistance? So far as crimes like murder are concerned, we have provided that if the accused is a poor person who is not in a position to engage his own counsel, the court should engage a lawyer for defending him. I am sure, hon. Members would have noticed a change which the High Court have now made with reference to the defence of condemned prisoners. Formerly, it was the raw junior lawyers with an experience of two or three years who were put in the panel provided for defending them. Now I understand—I have not received any communication as yet to that effect—that the top-most senior lawyers have been included in the panel and they are bound to advise the junior lawyers included in the panel on how to conduct the defence of their cases. Therefore now it is not merely a question of inexperienced persons being put in charge of defending the very persons who have been accused of very serious crimes but the advice of the seniormost and the ablest of the lawyers is made available for the purpose of defending them, and that is a step forward. But all the same, I am sure, it would be possible to extend it to the mofassal. Even though it may not be possible for senior lawyers to appear as such, still they should be able to advise the lawyers who are put in actual charge of the case on the various relevant points of law involved in it so that they may put forward those points of law before the court for the consideration of the judges. I am sure that as far as that is concerned, that step also will be taken.

“ With reference to various other small cases not of the same seriousness, I am afraid it should be left to voluntary organizations to tackle this problem, as is being done in Tellicherry. After all, the lawyer's profession is said to be the most learned profession. It is a noble profession. If persons belonging to that profession cannot organise themselves for the purpose of helping poor litigants, is it necessary that even in their case, the Government should step in and compel some of them to appear for those poor people? Sir, the example set up by the members of the Tellicherry Bar should be followed by the members of the Bar in other places. Having received the highest form of education, they should set an example to society. No doubt, they should work and earn for their own livelihood but their services should be made available for the purpose of defending poor people. I am sure, the hon. Member Sri Krishna Ayyar will take interest in the matter. As far as I am concerned, I assure hon. Members that I will take

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interest in it and see whether voluntary organizations for the purpose of helping poor accused cannot be organized on a large scale. So much so, no person will go undefended in a court of law and that should be the ideal. In my view that should come as a voluntary effort rather than a Government effort, adding to the cost of the administration as such.

“ Then coming to the civil side of it, there are two persons involved in a civil case. Evidently one is in the wrong and the other wants to have the wrong set right and that is why he goes to a court of law for the purpose of establishing that right according to his own light. Here a pecuniary interest is mostly involved, that is the establishment of the right of the particular person. If that be so, when a person goes to a court and there it is found that the other person is in the wrong in denying the right or in asserting the right to which he is not entitled, should he not be saddled with the cost of the litigation. That is the only point. It is not as if the entire cost is saddled on him. If only hon. Members look at it from that point of view, I am sure they would agree that as far as the cost of the administration of civil justice is concerned, it should be entirely borne by the parties going to a court of law. It is because disputes have arisen between two individuals who want to establish their own right, that these cases arise. I do agree that if a poor person is not in a position to go to a court of law, his rights are denied or taken away. But there is a provision in the Civil Procedure Code for poor persons to go to a court of law and file a suit without affixing court-fee for it. All those facilities are made available to poor litigants. Therefore, it cannot be said in a sweeping way that there is no provision for helping poor clients and that we are making the administration of justice costly.

‘ As far as court-fee stamps are concerned, that matter will come up for discussion in this House in the form of a Bill as soon as the Budget business is over, when, I am sure, the House will go into the entire principle underlying the Bill. In that Bill we have provided that in the case of suits involving a lower value, the high fee which is being prescribed now should be lowered to a certain extent and the concession shown to suits involving higher value should be cut down. That is the attempt we have made in respect of this matter. Hon. Members of this House can discuss it in detail when the Bill comes here for discussion.

“ Reference was made to the delay in the dispensation of justice. I do agree that there should be speedy disposal of cases. But so far as criminal cases are concerned. I think we have now reached a standard where we cannot say there is undue delay. Serious crimes are immediately enquired into by the trial courts and even in appellate courts they are disposed of as quickly as possible. I may inform the hon. Member Sri V. R. Krishna Ayyar that it does not take more than six months for the disposal of murder cases. There are three stages in the disposal of a murder

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case, firstly the preliminary enquiry which takes about eight weeks, secondly the trial in the Sessions Court which takes another eight weeks and finally it takes about two months in the High Court. This is ordinarily the time taken so far as murder cases are concerned. In a few cases of a complicated nature, because of the accused not appearing before the court or because of the fact that the accused is absconding, some more time may be taken. That is why I say that in criminal cases we have reached a standard where we cannot say that there is any undue delay.

“ After the separation of the Judiciary from the Executive, there has been some dislocation in places where this scheme has been introduced. There is bound to be some dislocation till everything is settled and conditions come to normal. I am sure our trained and well equipped judiciary will be able to make up that time and as time goes on we will find that they are more efficient and that cases are disposed of much more quickly than was being done by the other Magistrates. As far as dispensation of criminal justice is concerned, there is not much delay. I do agree that as far as civil litigation is concerned, there is still a certain amount of delay. But here it is not merely the courts that have to be found fault with. To some extent, the parties and the lawyers also contribute to this delay. Some are interested in protracting the litigation for the simple purpose of protracting it. Protracting a litigation gives certain advantages to certain parties. Sometimes parties take all steps necessary to protract a litigation and lawyers with their legal ingenuity help in that process. Therefore, we cannot wholly blame the judiciary for that. I do agree that if the judiciary is a little more strict, it might be possible to reduce the time taken in the disposal of these cases, but any strictness exercised by the judiciary cannot be of any avail in disposing of cases quickly unless the parties and the lawyers also co-operate. As has been pointed out by certain hon. Members, interlocutory applications are filed for the very purpose of delaying matters and parties want an immediate decision to be taken on that. The matter is taken up to the High Court and the entire suit is stayed. If we look into the reasons for the pendency of a large number of old cases, we will find that most of those cases have been stayed by the High Court. Some party or other is taking the matter on appeal. So it is not merely the judiciary that is entirely responsible for the delay. To some extent the parties and the lawyers are also involved in it. As time goes on, I am sure people will realize that cases should be disposed of quickly rather than being dragged on, as otherwise the successful party will not be able to enjoy the fruits of his success and the man who loses will have to lose everything and incur heavy expenditure.

“ Then, reference was made to the question of perjury in courts. That there is a good deal of perjury cannot be denied. How it should be got over is a thing which should engage the attention of the public as a whole. I do remember an instance where in a sub-court a particular witness was in the witness box. He went

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on adding one lie to another. So much so, the Subordinate Judge got disgusted. He asked the witness to get down from the witness box and told him 'Now at least tell me the truth'. (Laughter.) I do agree that there is a certain amount of perjury in courts, but that is due to the complicated procedure and the formalities we are adopting. Even though a case may be true, unless there is formal evidence available, it is not possible to accept it. That is the unfortunate position. All these are being looked into by the Government of India and they want to amend the Civil Procedure Code, the Indian Evidence Act and the Criminal Procedure Code and all other procedural Acts, so that the disposal of cases may be speedily done and there may be room for putting forward true cases without letting in false evidence.

"Now let me come to the question of the regional language. Now that we are adopting the regional language in the Legislature, it is all the more necessary that the presiding officer of a court should have an intimate knowledge of the regional language if he were to understand the person more intimately for the purpose of finding out the truth. The Government are taking steps to see that persons with an intimate knowledge of the regional language are posted to the various places. Now and then, when transfers of officers are made, it sometimes happens that a person who does not know the language of the place is posted to a particular place, but that defect is remedied as early as possible. We will take greater care in future and see that persons who know the regional language of the place are posted to the particular area.

"The hon. Member Sri E. L. Raghava Mudaliar referred to part-heard suits in sub-courts. Here also, the presiding officer cannot be blamed entirely. Lawyers want to conduct a case for half an hour in one court and then they want to go to the next court. They request the Judge that another case may be taken up. The Judge cannot refuse to comply with the request, particularly if the lawyer happens to be a senior lawyer or an influential lawyer. Just to oblige the lawyer, he takes up another case. That adds to the number of part-heard cases. If we adopt the rigid rule followed in the High Court that when once a case is taken up, it should be disposed of before another case is taken up, that may also lead to some difficulty where ignorant litigants are concerned. As we proceed with a case, we find that some fresh facts are brought to our notice. Documents, which were not made available in the first instance, are brought to the notice of the lawyers. In such cases, lawyers have to ask for time for the production of documents. So necessarily the case has to be adjourned. We cannot enforce the strict rule that is followed in the High Court, because that may result in injustice in certain cases. We cannot be too rigid in these matters. I am sure that this difficulty can be overcome if the presiding officers, the lawyers and the litigants realize their responsibilities more and more.

"One other point I wish to refer is about the location of courts after the reorganization scheme. Formerly, these Magistrates were

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doing not merely the judicial side of the work, but they were also doing a certain amount of executive work. Therefore, we had a large number of Magistrates' courts. After separation of the judiciary from the executive, they have to do only the judicial side of the work and therefore we have to provide sufficient amount of work for all the courts. Therefore, certain courts have got to be abolished. That is the real difficulty and in the process of reorganization and in the allocation of courts, I am sure it may not be possible to justify every case on its merits. Certain mistakes might have been committed, but as I stated already, we may study the working of the courts in their present location and we can take up the question later on if any difficulty is felt.

"Now, I shall pass on to the subject of jails. I agree with the hon. the Deputy Leader of the Opposition . . ."

SRI V. R. KRISHNA AYYAR:—"Sir, before the Hon. Minister moves on to Jails (laughter), I would like to know whether he contemplates any change or the creation of a civilized judicial machinery in the Islands of Laccadive and Minicoy, where at present a village officer is doing the whole show."

* THE HON. SRI C. SUBRAMANIAM:—"Sir, I shall bear this in mind. I have not studied the problem. Recently His Excellency the Governor visited the area and he has sent his report. It is under the consideration of the Government. I may assure the hon. Member that all steps necessary for improving the conditions in those islands including the setting up of a machinery for the administration of justice will be taken.

1 p.m. "With regard to the Jail Administration, I do agree that in regard to the various industries which are being run by the State inside jails there is a good deal of room for improvement. I shall certainly look into the matter and see that the management of these industries is made knave-proof to the possible extent. But whatever the checks and counter-checks we may provide, there is bound to be a certain amount of leakage. Apart from that, I do agree that a good deal of improvement could be effected. I shall look into that particular problem and see what could be done in the matter, particularly with regard to purchase of raw materials, utilization of raw materials, disposal of finished products, etc.

"As far as conditions in the jails are concerned and the implementation of the recommendations of the Jail Reforms Committee, we have not implemented certain of the major recommendations of the Committee because of financial limitations. After all, as Finance Minister, I have to take into consideration also the question of assessing priorities, viz., whether we should spend for the improvement of the conditions inside jails or for the improvement of the conditions of the people living outside jails and I think I have taken a correct decision in that matter that certain recommendations of the Jail Reforms Committee should await implementation as against fulfilling the present needs of the people who are living outside jails. That is the only justification for my not implementing

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all the recommendations of the Jail Reforms Committee. After all, when a Committee is appointed to go into the conditions of jails, they go into all aspects of the matter connected with jails and place before the Government an ideal to be reached and that ideal inside jails cannot be reached when so much has to be done outside the jails. We cannot concentrate all our efforts on improving conditions inside jails when much remains to be done outside the jails like improvement of conditions in slums, etc. That is the only justification I can point out for not implementing the recommendations of the Jail Reforms Committee.

"I do not wish to take much of the time of the House as it is already 1 o'clock. I may assure hon. Members that the various suggestions regarding the increase of Probation Officers, Vigilance Homes and other correctional institutions will be taken into consideration and I shall try to do my best in all these matters. But as I have already stated, it is not possible for me to devote as much time as I would like to, to each of the departments I am administering. But I am trying to do my best in the circumstances and I hope the House will sympathize with me in this respect also."

SRI M. KALYANASUNDARAM :—"Before the Hon. Minister finishes his speech, I should like to know whether he has any proposal to improve the service conditions of warders?"

* THE HON. SRI C. SUBRAMANIAM :—"I am sorry I cannot immediately announce anything. But certainly I shall bear in mind the suggestion made by the hon. Member. As a matter of fact, the policy of the Government is to tackle the problems relating to Last Grade Staff in every department and to improve their conditions as much as possible. From that point of view, I am sure warders also will get a certain amount of priority in respect of amelioration of their conditions. That apart, when we take the problem of low paid servants I am sure their conditions will be considered and whatever is possible will be done. With this assurance may I request the hon. Member who moved the Cut Motion to withdraw it?"

SRI E. L. RAGHAVA MUDALIAR :—"As the Hon. Minister has expressed his sympathy for the lowest grade employees of the Jail Administration, as we also sympathize with the Hon. Minister who is hard worked and as we hope that the Hon. Minister being a practical lawyer knows much of the difficulties of officers, lawyers and clients and will do the needful in the matter of improving the Administration of Justice, I am withdrawing the Cut Motion."

The Cut Motion was, by leave, withdrawn.

DEPUTY SPEAKER :—"I shall now put the Demand to the vote of the House. The question is—

'That the Government be granted a sum not exceeding Rs. 1,11,01,800 under Demand No. XII—Administration of Justice.'"

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The Demand was put and carried and the Grant was made.

DEPUTY SPEAKER :—“ May I know whether hon. Member Sri C. H. Kanaran is withdrawing the Cut Motion moved by him? ”

SRI C. H. KANARAN :—“ In view of the assurance given by the Hon. Minister, I am withdrawing the Cut Motion.”

The Cut Motion was, by leave, withdrawn.

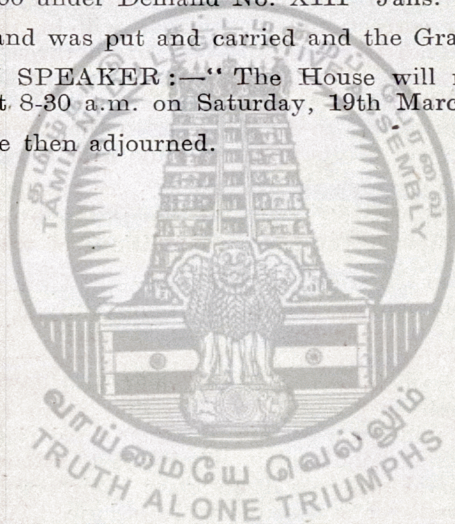
DEPUTY SPEAKER :—“ I shall now put the Demand to the vote of the House. The question is—

‘ That the Government be granted a sum not exceeding Rs. 1,01,27,600 under Demand No. XIII—Jails.’ ”

The Demand was put and carried and the Grant was made.

DEPUTY SPEAKER :—“ The House will now adjourn and meet again at 8-30 a.m. on Saturday, 19th March 1955.”

The House then adjourned.



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APPENDIX I.

[Vide answer to starred question No. 1434 asked by Sri N. K. Palanisamy at the meeting of the Legislative Assembly held on 18th March 1955, page 998 supra.]

Statement showing the strength and duration of police guards furnished to the Tramway company to guard its assets during 1953-54.

Period.	Egmore tram-shed.		Royapetta tram-shed.		Relieving centre opposite to Christian Literature Society.	
	Head constable.	Police constable.	Head constable.	Police constable.	Head constable.	Police constable.
1 From 11th April to 30th June 1953.	1	8	1	8	1	8
2 From 1st July to 25th August 1953.	1	4	1	4	Nil	Nil
3 From 26th August 1953 to 31st March 1954.	1	4	Nil	Nil	Nil	Nil

APPENDIX II.

[Vide answer to starred question No. 1432 asked by Sri A. Ratnam at the meeting of the Legislative Assembly held on 18th March 1955, page 1001 supra].

Course of study.	Number of forms printed.		Number of forms used.		Number of scholarships granted.	
	Scheduled Castes and Tribes.	Backward classes.	Scheduled Castes and Tribes.	Backward classes.	Scheduled Castes and Tribes.	Backward classes.
(1)	(2)	(3)	(4)	(5)	(6)	(7)
(a) Commercial course ..	500	500	All the forms were used except few which were utilized in later periods.		10	10
(b) Exemption from payment of examination fees.	15,000	5,000			2,419	275
<i>Industrial.</i>						
(c) Non-residential scholarship.	2,000	2,000			83	69
(d) Residential scholarship.	2,000	2,000			85	8
(e) Midwifery	1,500	1,000			73	20
(f) Ordinary—Residential—Collegiate.	20,000	7,000			1,112	1,302
(g) Elementary and secondary schools—Residential scholarships.					889	..
(h) Ordinary—Non-residential scholarships—Collegiate.	50,000	10,000			284	1,871
(i) Ordinary—Non-residential scholarships—Elementary and secondary schools					14,408	220
(f) Non-recurring grants ..	20,000	..			Figures not available.	

NOTE.—The figures are exclusive of 40,000 forms printed for renewals.

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APPENDIX III.

[Vide answer to clause (c) of starred question No. 1452 asked by Sri A. Ratnam at the meeting of the Legislative Assembly held on 18th March 1955, page 1015 supra.]

Programme for the celebrations of the " Harijan Day ".

The crucial object of the celebration of a Harijan Day is to bring about a change of outlook on the part of the caste Hindus towards Harijans so that the latter may be treated on a footing of equality. This object must be brought out and given prominence in all the items of the celebration.

2. The Revenue Divisional Officers, at their division headquarters, the Tahsildars and Revenue Inspectors at the Taluk and Firka headquarters should arrange for the observance of the day in a fitting manner, inviting the co-operation of the local Congress and Harijan Welfare workers and individuals interested in Harijan Welfare. In all other villages, the village officers should take the lead. The Government desire that every effort should be made to educate the caste Hindus and rouse an interest in them in the removal of untouchability and of the disabilities of the Harijans. The following items of activities are suggested :—

(a) Procession in every village with the co-operation of the local Congress and Harijan Sevak Sangh workers as well as others interested in Harijan Welfare and Public Meetings arranged in a public place. The people should be exhorted to give up the evil practice of untouchability. The provisions of the Civil Disabilities Act, Temple Entry Authorization Act, etc., should be explained in easy language and the consequences of transgressing those laws should be made clear.

(b) The public wells should be thrown open to the Harijans wherever possible without giving scope for any breach of peace on the occasions.

(c) The local school teachers and the boys of all communities in the educational institutions may be induced and encouraged to partake in the observance of the Day and do propaganda in a fitting manner.

(d) It should be seen that Harijans are allowed to exercise their right of worship in all public temples and they are allowed due protection in the exercise of that right.

The programme for the day may be as follows :—

Morning—Item 1.—Early in the morning arrangements may be made to clean up the Harijan quarters. Harijans may be induced to bathe and wear clean clothes.

Item 2.—Procession consisting of officials and non-officials, Harijans school children, etc., may start from Harijan quarters with National Flags and Gandiji's portrait, singing songs appropriate

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to the occasion and proceed through all the important streets including those of the caste people. Bhajan parties in which both Harijans and non-Harijans take part may accompany this procession, which may end in the local temple or other public place.

Item 3.—Sports may be arranged in Harijan quarters in which both Harijans and non-Harijans can take part.

Item 4.—A cosmopolitan dinner may be arranged in the Harijan quarter in which all can take part. This will be quite voluntary.

Evening—*Item 5.*—Public meetings should be arranged in a central place where Harijans should be allowed to mingle freely with others. Before the commencement of the meeting prizes may be distributed to the successful competitors in the sports held in the morning.

Item 6.—At this meeting the provisions of the Madras Temple Entry Authorization Act and the Madras Removal of Civil Disabilities (Amendment Act) should be explained clearly to the audience. The speeches made should be such as to educate and appeal to the caste Hindus and to rouse their sympathy and enthusiasm for the removal of untouchability and other hardships that the Harijans are labouring under.

Item 7.—A light cosmopolitan lunch may also be arranged in which Harijans may serve and be served along with others.

Item 8.—In the City of Madras, the Headmasters, Headmistresses of Labour Schools may take out a procession of the school children of the locality with National Flag and Gandhiji's portrait, singing songs, appropriate to the occasion. They may also hold a meeting in the school premises or in some other suitable centre under the presidency of any suitable leader. Light refreshments may be served to all in these meetings also, without distinction of caste or creed.

The above programme may be added to or altered, if necessary, to suit local conditions, but without change in the spirit of the observance.

